# FEDERAL REGISTER

VOLUME 9 NUMBER 33

*Washington, Wednesday, February 23, 1944*


## *The President*

### EXECUTIVE ORDER 9425

ESTABLISHING THE SURPLUS WAR PROPERTY ADMINISTRATION

By virtue of the authority vested in me by the Constitution and statutes of the United States, particularly the First War Powers Act, 1941, as President of the United States and as Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. There is hereby established in the Office of War Mobilization, the Surplus War Property Administration (hereinafter referred to as the "Administration"), the powers and functions of which, subject to the general supervision of the Director of War Mobilization, shall be exercised by a Surplus War Property Administrator (hereinafter referred to as the "Administrator"), to be appointed by the Director of War Mobilization.

2. With the assistance of a Surplus War Property Policy Board, composed of a representative from each of the following: State Department, Treasury Department, War Department, Navy Department, Justice Department, Reconstruction Finance Corporation, Smaller War Plants Corporation, United States Maritime Commission, War Production Board, Bureau of the Budget, War Food Administration, Federal Works Agency, Civil Aeronautics Board, and the Foreign Economic Administration, it shall be the function of the Administration, to the full extent that such matters are provided for or permitted by law:

(a) To have general supervision and direction of the handling and disposition of surplus war property.

(b) To have general supervision and direction of the transfer of any surplus war property in the possession of any Government agency to any other Government agency whenever in the judgment of the Administration such transfer is appropriate.

(c) Unless otherwise directed by the Director of War Mobilization, to assign, so far as it is deemed feasible by the Administration, surplus war property for disposition, as follows: consumer goods to the Procurement Division of the Department of the Treasury; capital and producers' goods, including plants, equipment, materials, scrap and other industrial property, to a subsidiary of the Reconstruction Finance Corporation, created pursuant to Section 5d (3) of the Reconstruction Finance Act, as amended; ships and maritime property to the United States Maritime Commission; and food to the War Food Administration; Provided, That surplus war property to be disposed of outside the United States, unless otherwise directed by the Director of War Mobilization, shall be assigned, so far as it is deemed feasible by the Administration, to the Foreign Economic Administration.

3. All functions, powers, and duties relating to the transfer or disposition of surplus war property, heretofore conferred by law on any Government agency may, to the extent necessary to carry out the provisions of this order, be exercised also by the Administration.

4. The Administrator may prescribe regulations and issue directions necessary to effectuate the purposes of this order; and no Government agency shall transfer or dispose of surplus war property in contravention thereof. Each Government agency shall submit such information and reports with respect to surplus war property and in such form and at such times as the Administrator shall direct. When requested by the Administration, a Government agency shall execute such documents for the transfer of title or for any other purpose or take such steps as the Administration shall determine to be necessary or proper to transfer or dispose of surplus war property or otherwise to carry out the provisions of this order.

5. The Administrator may perform the functions and exercise the powers, authority, and discretion conferred on the Administration by this order by such officials and such agencies and in such manner as the Administrator, subject to the provisions of this order, may determine. In carrying out the purposes of this order, the Administration may utilize the services of any other Government agency. The Administration, within the limit of funds which may be made available, may employ necessary personnel and make provision for supplies, facilities, and services necessary

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THE PRESIDENT



REGULATIONS AND NOTICES



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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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to discharge the responsibilities of the Administration.

6. As used in this order:

(a) "Government agency" means any executive department, independent establishment, agency, commission, board, bureau, division, administration, office, service, independent regulatory commission or board, and any government-owned or government-controlled corporation.

(b) "Surplus War Property" means any property, real or personal, including but not limited to plants, facilities, equipment, machines, accessories, parts, assemblies, products, commodities, materials, and supplies in the possession of or controlled by any Government agency, whether new or used, in use or in storage, which are in excess of the needs of such agency or are not required for the performance of the duties and functions of such agency and which are determined, subject to the authority of the Office of War Mobilization, to be surplus by such agency.

7. All prior Executive Orders, in so far as they are in conflict herewith, are amended accordingly.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*February 19, 1944.*

[F. R. Doc. 44-2553; Filed, February 22, 1944; 11:15 a. m.]

## *Regulations*

### TITLE 7—AGRICULTURE

### Chapter XI—War Food Administration (Distribution Orders)

[FDO 15, Amdt. 2]

### PART 1401—DAIRY PRODUCTS

### CHEDDAR CHEESE AND PROCESS CHEDDAR CHEESE

Food Distribution Order No. 15 (8 F.R. 1704), issued on February 6, 1943, by the Secretary of Agriculture of the United States, as amended, is hereby further amended to read as follows:

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of Cheddar cheese and process Cheddar cheese for defense, for private account, and for export: and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1401.1 *Cheddar cheese and process Cheddar cheese*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "Cheddar cheese", frequently called "American cheese" or "American Cheddar cheese", means Cheddar cheese (produced in the United States) as defined in the definition and standards of identity for Cheddar cheese (21 CFR, 1941 Supp. 19.500), issued on January 6, 1941, pursuant to the Federal Food, Drug, and Cosmetic Act.

(2) The term "process Cheddar cheese" means the product prepared by grinding and mixing one or more lots

of Cheddar cheese into a homogeneous plastic mass (i) by the action of heat, with or without the addition of salt, water, or color, and with or without the incorporation of not more than 3 percent of a suitable emulsifying agent, and (ii) containing not more than 40 percent, by weight, of moisture, and in the water-free substance containing not less than 50 percent, by weight, of milk fat (sweet cream may be added to increase the fat content to the required percentage).

(3) The term "person" means any individual, partnership, corporation, association, or any other business entity or organized group of persons, whether incorporated or not.

(4) The term "authorized cheese assembler" means any person who holds a letter of authority, issued to him by the Director, to receive Cheddar cheese set aside pursuant to the provisions hereof.

(5) The term "set aside" means set aside and hold for sale and delivery to any of the following designated agencies or to any other agency designated by the Director: (i) Office of Distribution (including, but not being limited to, the Federal Surplus Commodities Corporation); (ii) Dairy Products Marketing Association, Inc.; (iii) the Armed Services of the United States (excluding, for the purposes of this order, United States Army Post Exchanges, United States Navy Ship's Service Departments, and United States Marine Corps Post Exchanges); (iv) War Shipping Administration; (v) Veterans' Administration; and (vi) any person who, pursuant to a food distribution regulation, is entitled to purchase Cheddar cheese or process Cheddar cheese subject to this order.

(6) The term "Armed Services of the United States" means the Army, the Navy, the Marine Corps, and the Coast Guard of the United States.

(7) The terms "U. S. No. 1" and "U. S. No. 2" mean Cheddar cheese of U. S. No. 1 grade (U. S. Grade A) and U. S. No. 2 grade (U. S. Grade B), respectively, as defined in the "Tentative U. S. Standards for Grades of American Cheddar Cheese", issued by the Food Distribution Administration, effective as of May 1, 1943. Whenever new standards are issued by the Office of Distribution or promulgated by the War Food Administrator, "U. S. No. 1" and "U. S. No. 2" shall mean U. S. No. 1 grade (U. S. Grade A) and U. S. No. 2 grade (U. S. Grade B), respectively, as specified in such new standards.

(8) The term "Director" means the Director of Food Distribution, War Food Administration.

(b) *Restrictions.* (1) Each person who has produced more than 8,000 pounds of Cheddar cheese in any calendar month from January 1942 to February 1944, inclusive, shall set aside in March 1944, and in each subsequent calendar month, a quantity of Cheddar cheese equal to such percentage as the Director may order of all Cheddar cheese produced by such person in March 1944 and each subsequent calendar month regardless of the quantity produced by such person during or subsequent to March 1944.

(2) Each person who has not produced more than 8,000 pounds of Cheddar cheese in any calendar month from January 1942 to February 1944, inclusive, but who produces more than 8,000 pounds of Cheddar cheese in March 1944, or any subsequent calendar month, shall thereafter, in each calendar month, set aside a quantity of Cheddar cheese equal to such percentage as the Director may order of all Cheddar cheese produced by such person in each such calendar month regardless of the quantity of Cheddar cheese produced by such person in any month subsequent to the one, as aforesaid, in which he produced more than 8,000 pounds of Cheddar cheese.

(3) In the event of a change in ownership with respect to a cheese factory, the production record of the former owner with respect to such cheese factory shall be the basis for reporting and setting aside Cheddar cheese by the new owner; and the purchaser of the cheese factory shall so report and set aside Cheddar cheese, if (i) the person from whom he purchased the cheese factory was obligated to report and set aside Cheddar cheese or (ii) the purchaser is required by other provisions hereof to report and set aside Cheddar cheese.

(4) Any person who, during a particular calendar month, sets aside and sells to an agency or agencies designated in or pursuant to § 1401.1 (a) (5) hereof a quantity of Cheddar cheese in excess of the quantity required to be set aside by the provisions hereof or Director's order pursuant hereto may be permitted by the Director, if the Director determines that such is necessary or appropriate in the public interest and to promote the national defense, to utilize as a credit against his set-aside obligation, during any subsequent calendar month specified by the Director, the quantity which he set aside and sold to said agencies in excess of his set-aside obligation.

(5) Any person who is required by the provisions of this order to set aside Cheddar cheese may, at his option, sell or deliver all or part of the Cheddar cheese set aside, pursuant to the provisions hereof, to any authorized cheese assembler who agrees to set aside, out of the Cheddar cheese in his possession or control, a quantity of Cheddar cheese equal to the quantity of such set-aside Cheddar cheese received by him, and such authorized cheese assembler shall so set aside such quantity of Cheddar cheese. An authorized cheese assembler shall not, however, sell or deliver set-aside Cheddar cheese to another authorized cheese assembler unless the authorized cheese assembler to whom such Cheddar cheese is to be delivered has applied to the Director and received from him specific authorization to receive such Cheddar cheese. Each person delivering or shipping Cheddar cheese to an authorized cheese assembler shall deliver to such authorized cheese assembler a certificate, in duplicate, in substantially the following language (with the appropriate information inserted in the blank spaces):

"This is to certify that of the ---------- pounds of Cheddar cheese shipped or delivered on ----------, ---------- pounds are Cheddar cheese set aside pursuant to the provisions of Food Distribution Order No. 15, issued by the Secretary of Agriculture of the United States on February 6, 1943, as amended, and such amount of set-aside Cheddar cheese is required to be set aside by you pursuant to the provisions of said order, as amended. The balance, ---------- pounds, is Cheddar cheese free from the restrictions of said order, as amended.

---------- (Signature of manufacturer)

"This will acknowledge receipt of the above indicated quantity of Cheddar cheese set aside pursuant to said order, as amended.

---------- (Signature of authorized cheese assembler)"

The aforesaid certificate shall be signed in duplicate by the authorized cheese assembler who shall return one copy to the manufacturer who delivered or shipped the Cheddar cheese, and shall retain the original for one year after the date of receipt thereof.

(6) All Cheddar cheese set aside pursuant to the provisions hereof shall be stored under the same conditions of storage customarily observed to maintain the grade and quality of Cheddar cheese, and shall be packaged and assembled for delivery in accordance with requirements and specifications of the designated agencies purchasing such cheese. At least 80 percent of the Cheddar cheese thus set aside pursuant to the provisions hereof shall be U. S. No. 1 grade or better, and the remainder shall be not less than U. S. No. 2 grade: *Provided, however,* That if the manufacturer shows by grading certificates issued by the Office of Distribution, War Food Administration, that all of the Cheddar cheese of U. S. No. 1 grade or better produced by him is less than the quantity required to be set aside pursuant hereto, the quantity to be set aside shall include all of the U. S. No. 1 grade or better manufactured or received by such person and the remainder may be U. S. No. 2 grade: *Provided, further,* That if the manufacturer shows by grading certificates issued by the said Office of Distribution that the total quantity of Cheddar cheese of U. S. No. 2 grade or better produced by him in the month in which it is required to be set aside is less than the quantity of Cheddar cheese required to be set aside in such month, he shall set aside all of the Cheddar cheese of U. S. No. 2 grade or better produced by him in such month and an additional quantity of lower grade Cheddar cheese to fulfill the total set-aside requirements of this order. Grades as determined by official inspectors of the Office of Distribution shall be final in all cases.

(7) Any person who has contracted with or hereafter contracts with any of the agencies designated in or pursuant to § 1401.1 (a) (5) hereof for the delivery of process Cheddar cheese may deliver such cheese, in accordance with the contract, and credit it against such portion of his set-aside obligation, pursuant to the provisions of this order, at the rate of 95 pounds of Cheddar cheese for each 100 pounds of process Cheddar cheese delivered, as aforesaid, to a designated agency: *Provided,* That no person is authorized to convert such set-aside Cheddar cheese into process cheese prior to the execution of a contract, as aforesaid,

for the delivery of such process Cheddar cheese.

(8) Each authorized cheese assembler shall pay to the Commodity Credit Corporation the sum of 3.8 cents per pound of Cheddar cheese and process Cheddar cheese sold by him to any of the following agencies of the United States during the effective period of any regulation of the Office of Price Administration establishing the maximum prices on such sales equal to the maximum prices on other sales plus 3.8 cents per pound: War Food Administration and any agency thereof (including Dairy Products Marketing Association, Inc., acting for the War Food Administration); U. S. Army Quartermaster Market Centers (including Field Headquarters), and U. S. Army Quartermaster Depots; and the U. S. Navy Market Offices. Such payment with respect to each sale shall be made not later than 5 days after payment of the purchase price by the purchasing agency. Acceptance from the Director of a letter of authority to serve as authorized cheese assembler shall constitute such assembler's authority to such agencies to make payment, in his behalf and for his account, of the 3.8 cents per pound to Commodity Credit Corporation by deducting such 3.8 cents per pound from the purchase price and paying such 3.8 cents to Commodity Credit Corporation. Unless such deduction has been made, the authorized cheese assembler shall pay the 3.8 cents per pound directly to Commodity Credit Corporation.

(9) No person may serve as authorized cheese assembler unless he has received from the Director a letter of authority to serve as an authorized cheese assembler. Any letter of authority issued prior to February 29, 1944, by the Director shall not entitle the person to whom it was issued to serve as an authorized cheese assembler after February 29, 1944: *Provided,* That the set-aside obligations incumbent on any such authorized cheese assembler with respect to Cheddar cheese acquired or produced by him on or prior to February 29, 1944, shall continue subsequent to February 29, 1944. Any person who desires to become an authorized cheese assembler or to serve as an authorized cheese assembler after February 29, 1944, shall file with the Director an application, upon a form approved by the Director, setting forth the information requested in said form of application. The application shall contain, among other things, a statement by the person submitting such application that (i) he will make the aforesaid payment to the Commodity Credit Corporation, as required by the provisions hereof, and otherwise observe and comply with the requirements of this order, and (ii) he will not refuse to purchase or accept delivery of set-aside Cheddar cheese solely because the vendor is not willing to sell to the respective authorized cheese assembler an additional quantity of Cheddar cheese not set aside or required to be set aside hereunder. An authorized cheese assembler shall have the following facilities and be able to perform the following functions: (i) accumulate carlots of Cheddar cheese for shipment; (ii) storage space with ample capacity and satisfactory temperature and humidity controls; (iii) maintain adequate equipment and facilities for paraffining Cheddar cheese, moisture analysis, grading, branding, shipping, and ample capital for financing the inventories of Cheddar cheese; (iv) substitute for Cheddar cheese of quality unacceptable to an agency designated in or pursuant to § 1401.1 (a) (5) hereof and in packages not suitable for export, according to the standards specified by said agency, Cheddar cheese of acceptable quality and in packages meeting the specifications of said agency; (v) maintain a satisfactory system of records and accounts with respect to Cheddar cheese, and supply promptly, from month to month, correctly prepared reports with respect to Cheddar cheese and process Cheddar cheese; and (vi) make the aforesaid payment of 3.8 cents per pound to the Commodity Credit Corporation pursuant to § 1401.1 (b) (8) hereof with respect to all Cheddar cheese and process Cheddar cheese sold by such authorized cheese assembler to the War Food Administration or any agency thereof (including Dairy Products Marketing Association, Inc., acting for the War Food Administration); U. S. Army Quartermaster Market Centers (including Field Headquarters), and U. S. Army Quartermaster Depots; and the U. S. Navy Market Offices. The Director shall consider each such application and issue a letter of authority for such period of time as may be specified therein if the Director determines that the issuance of such letter of authority to serve as an authorized cheese assembler is necessary or appropriate in the public interest and to promote the national defense. No person shall represent himself to be an authorized cheese assembler unless he holds a letter of authority duly issued by the Director and in force and effect at the time of such representation. No person other than an authorized cheese assembler holding a letter of authority in force and effect shall receive or, after receipt, deal in Cheddar cheese or process Cheddar cheese set aside pursuant to the provisions hereof.

(10) No authorized cheese assembler shall, unless specifically authorized by the Director, contract to buy or accept delivery of a quantity of Cheddar cheese, set aside pursuant to this order, which will cause the total quantity of the set-aside-Cheddar cheese owned, contracted for, processed or, in any other manner, controlled by him to exceed the total quantity of Cheddar cheese required to be set aside by him during the respective calendar month and the then immediately preceding calendar month (including set-aside Cheddar cheese received from others and Cheddar cheese required to be set aside from his own production). Each authorized cheese assembler shall maintain a physical inventory of set-aside Cheddar cheese commensurate with his obligation pursuant hereto to set aside Cheddar cheese.

(11) The Director may release any Cheddar cheese or process Cheddar cheese from the restrictions of this order if he determines that no agency designated in or pursuant to § 1401.1 (a) (5) hereof has contracted for, or declared its intention or desire to contract for, such Cheddar cheese or process Cheddar cheese within such period as he may specify, or that such Cheddar cheese or process Cheddar cheese is not required for such agencies. The Director may issue such administrative rulings, regulations, interpretations, and exemptions as he deems necessary to facilitate, expedite, and accomplish the purposes of this order.

(12) The restrictions hereof shall be observed without regard to the rights of creditors, existing contracts or payments made. This order shall not, however, be construed as reducing the amount of Cheddar cheese or process Cheddar cheese which any person is required to offer or deliver, under existing contracts or contracts subsequently entered into, to any agency specified in or pursuant to the provisions in § 1401.1 (a) (5) hereof.

(c) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in Cheddar cheese and process Cheddar cheese.

(3) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(4) The provisions of this order shall not be considered as rescinding or terminating Food Distribution Order No. 15.3 (8 F.R. 14037) issued by the Director on October 14, 1943.

(d) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records, and other writings, premises or stocks of cheese (including, but not being limited to Cheddar cheese and process Cheddar cheese) of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(e) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the administrator of this order. Such petition shall be addressed to Order Administrator, Food Distribution Order No. 15, Dairy and Poultry Branch, War Food Administration, Washington 25, D. C. Petition for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consist-

ent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator on the petition, he shall, by requesting the Order Administrator therefor, obtain a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (e) shall not be construed to deprive the Director of authority to consider originally any petition for relief from hardship submitted in accordance herewith. The Director may consider any such petition and take such action with reference thereto that he deems appropriate and such action shall be final.

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using Cheddar cheese or process Cheddar cheese, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(h) *Communications.* All reports to be filed hereunder and all communications concerning this order shall, except as provided herein or unless instructions to the contrary are issued by the Director, be addressed to the Order Administrator, Food Distribution Order No. 15, Dairy and Poultry Branch, Office of Distribution, War Food Administration, Washington 25, D. C.

(i) *Territorial scope.* This order shall apply only in the area included in the 48 States of the United States and the District of Columbia.

(j) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., March 1, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said Food Distribution Order No. 15, as amended, prior to the effective time of the provisions hereof, all provisions of Food Distribution Order No. 15, as amended, in effect prior to the issuance of this order shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 17th day of February 1944.

WILSON COWEN,
*Assistant War Food Administrator.*

[F. R. Doc. 44-2388; Filed, February 18, 1944; 3:22 p. m.]

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[FDO 79-2, Amdt. 2]

## PART 1401—DAIRY PRODUCTS

### FLUID MILK AND CREAM IN THE ST. LOUIS METROPOLITAN MILK SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-2 (8 F.R. 13365), relative to the conservation and distribution of fluid milk in the St. Louis metropolitan milk sales area, issued by the Director of Food Distribution on September 30, 1943, as amended, is hereby further amended by deleting therefrom the provisions in § 1401.45 (h) and inserting, in lieu thereof, the following:

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., March 1, 1944. With respect to violations of said Food Distribution Order No. 79-2, as amended, rights accrued, or liabilities incurred, prior to the effective time of this amendment, said Food Distribution Order No. 79-2, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 19th day of February 1944.

LEE MARSHALL,
*Director of Food Distribution.*

[F. R. Doc. 44-2461; Filed, February 19, 1944; 3:23 p. m.]

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[FDO 79-7, Amdt. 2]

## PART 1401—DAIRY PRODUCTS

### FLUID MILK AND CREAM IN CHICAGO, ILL., METROPOLITAN SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-7 (8 F.R. 13371), relative to the conservation and distribution of fluid milk in the Chicago, Illinois, metropolitan milk sales area, issued by the Director of Food Distribution on September 30, 1943, as amended, is hereby further amended by deleting therefrom the provisions in § 1401.40 (h) and inserting, in lieu thereof, the following:

(h) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of the order, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., March 1, 1944. With respect to violations of said Food Distribution Order No. 79-7, as amended, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-7, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 19th day of February 1944.

LEE MARSHALL,
*Director of Food Distribution.*

[F. R. Doc. 44-2462; Filed, February 19, 1944; 3:22 p. m.]

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[FDO 79-38, Amdt. 1]

## PART 1401—DAIRY PRODUCTS

### FLUID MILK AND CREAM IN LOUISVILLE, KY., METROPOLITAN SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-38 (8 F.R. 13340), relative to the conservation and distribution of fluid milk in the Louisville, Kentucky, metropolitan milk sales area, issued by the Director of Food Distribution on October 8, 1943, is hereby amended by deleting therefrom the provisions in § 1401.69 (i) and inserting, in lieu thereof, the following:

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of de-

liveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., March 1, 1944. With respect to violations of said Food Distribution Order No. 79–38, rights accrued, or liabilities incurred, prior to the effective time of this amendment, said Food Distribution Order No. 79–38 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 19th day of February 1944.

LEE MARSHALL,
*Director of Food Distribution.*

[F. R. Doc. 44–2463; Filed, February 19, 1944; 3:23 p. m.]

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[FDO 79–45, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN MINNEAPOLIS-ST. PAUL, MINN., SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79–45 (8 F.R. 14255), relative to the conservation and distribution of fluid milk in the Minneapolis-St. Paul, Minnesota, milk sales area, issued by the Director of Food Distribution on October 19, 1943, is hereby amended by deleting therefrom the provisions in § 1401.114 (i) and inserting, in lieu thereof, the following:

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to subhandlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., March 1, 1944. With respect to violations of said Food Distribution Order No. 79–45, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79–45, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 19th day of February 1944.

LEE MARSHALL,
*Director of Food Distribution.*

[F. R. Doc. 44–2464; Filed, February 19, 1944; 3:23 p. m.]

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[FDO 79–73, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN SAN DIEGO, CALIF., SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79–73 (8 F.R. 14367), relative to the conservation and distribution of fluid milk in the San Diego, California, milk sales area, issued by the Director of Food Distribution on October 22, 1943, as amended, is hereby further amended by deleting therefrom the provisions in § 1401.85 (i) and inserting, in lieu thereof, the following:

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., March 1, 1944. With respect to violations of said Food Distribution Order No. 79–73, as amended, rights accrued, or liabilities incurred, prior to the effective time of this amendment, said Food Distribution Order No. 79–73, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 19th day of February 1944.

LEE MARSHALL,
*Director of Food Distribution.*

[F. R. Doc. 44–2465; Filed, February 19, 1944; 3:22 p. m.]

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[FDO 79–75, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN LOS ANGELES, CALIF. SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79–75 (8 F.R. 14370), relative to the conservation and distribution of fluid milk in the Los Angeles, California, milk sales area, issued by the Director of Food Distribution on October 22, 1943, as amended, is hereby further amended by deleting therefrom the provisions in § 1401.87 (i) and inserting, in lieu thereof, the following:

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling of processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, (3) to nursery, elementary, junior high, and high schools, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., March 1, 1944. With respect to violations of said Food Distribution Order No. 79–75, as amended, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79–75, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 19th day of February 1944.

LEE MARSHALL,
*Director of Food Distribution.*

[F. R. Doc. 44–2466; Filed, February 19, 1944; 3:22 p. m.]

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[FDO 93]

PART 1401—DAIRY PRODUCTS

DRIED MILK

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of dried milk for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1401.7 *Restrictions on production and sale of dried milk*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) The term "Director" means the Director of Food Distribution, War Food Administration.

(3) The term "governmental agency" means (i) the Armed Services of the United States, (ii) the Office of Distribution, War Food Administration (including, but not restricted to, the Federal Surplus Commodities Corporation), (iii) the War Shipping Administration, (iv) the Veterans' Administration, and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any person who, pursuant to a food distribution regulation, is entitled to purchase dried milk subject to this order.

(4) The term "Armed Services of the United States" means the Army, the Navy, the Marine Corps, or the Coast Guard of the United States.

(5) The term "dried milk" means all products, sold for human consumption or used in the manufacture of any other product which is sold for human consumption, made by drying cow's milk, whether natural fluid milk, evaporated milk, or condensed milk, with or without the removal of any or all butterfat therefrom and with or without the addition thereto of any other substance or ingredient. Such term shall not include dried skim milk or a dried product made exclusively from buttermilk or whey.

(6) The term "dried skim milk" means all products containing 1½ percent or less, by weight, of butterfat, which are made by drying cows' milk, from which all or part of the milk fat has been separated and to which no other substance or ingredient has been added, and which are sold for human consumption or used in the manufacture of any other product which is sold for human consumption.

(7) The term "infant food" means dried milk which is prepared and sold for the feeding of infants under one year of age, and which is distributed solely through hospitals, drug stores, pharmacies, or licensed members of the medical profession.

(8) The term "dried milk product" means dried milk containing 35 percent or more, by weight, of milk solids, or the quantity of such dried milk contained in any other product. Such term shall not include infant food.

(9) The term "dried milk compound" means dried milk containing less than 35 percent, by weight, of milk solids, or the quantity of such dried milk contained in any other product. Such term shall not include infant food.

(10) The term "commercial export sales" means sales requiring shipment by the seller under an export license issued by the Foreign Economic Administration or a release certificate issued pursuant to a program license executed by the Foreign Economic Administration.

(11) The term "quota restricted sales" means all sales except sales to governmental agencies and commercial export sales.

(12) The term "base sales" means all sales, other than sales to governmental agencies and other than sales requiring shipment by the seller to a point outside the United States or territories or possessions of the United States.

(13) The term "quota period" means the period from the effective time of this order to March 31, 1944, inclusive, and each of the following periods of 3 consecutive calendar months during each period of 12 consecutive calendar months after March 31, 1944: (i) April 1 to June 30, inclusive, (ii) July 1 to September 30, inclusive, (iii) October 1 to December 31, inclusive, (iv) January 1, to March 31, inclusive.

(14) The term "quantity" means number of pounds net weight.

(b) *Restrictions on sales.* (1) During each quota period, no person shall make quota restricted sales of a total quantity of dried milk products manufactured by such person which is in excess of the greater of the following: (i) 75 percent of the total quantity of the respective persons' base sales, during the corresponding period in the calendar year 1942, of dried milk products which were manufactured by such person, or (ii) 10 percent of the total quantity of the respective person's commercial export sales and sales to governmental agencies, during the same quota period, of dried milk products manufactured by such person.

(2) During each quota period, no person shall make quota restricted sales of a total quantity of dried milk compounds manufactured by such person which is in excess of 100 percent of the total quantity of such person's base sales, during the corresponding period in the calendar year 1942, of dried milk compounds manufactured by such person.

(c) *Restrictions on inventory.* (1) On and after July 1, 1944, no person shall, unless authorized in writing by the Director, use milk in the production of a quantity of dried milk products which will cause the total quantity of dried milk products owned by such person on any such date and which were manufactured by him to exceed the sum of (i) the total quantity of his commercial export sales during the immediately preceding quota period of dried milk products manufactured by such person, (ii) the total quantity of dried milk products manufactured by such person and which were sold by him to governmental agencies during the immediately preceding quota period, and (iii) the total quantity of quota restricted sales of dried milk products authorized to be made by such person during the then current quota period pursuant to (b) (1) hereof.

(2) On and after July 1, 1944, no person shall, unless authorized in writing by the Director, use milk in the production of a quantity of dried milk compounds which will cause the total quantity of dried milk compounds owned by such person on any such date and which were manufactured by him to exceed the sum of (i) the total quantity of his commercial export sales during the immediately preceding quota period of dried milk compounds manufactured by such person, (ii) the total quantity of dried milk compounds manufactured by such person and which were sold by him to governmental agencies during the immediately preceding quota period, and (iii) the total quantity of quota restricted sales of dried milk compounds authorized to be made by such person during the then current quota period pursuant to (b) (2) hereof.

(d) *Changes in quotas by Director.* Notwithstanding any other provision hereof, the Director may, by order or other written notice, increase or decrease the quantity of dried milk products and dried milk compounds which may be produced, or sold by any person.

(e) *Existing contracts.* The restrictions of this order shall be observed without regard to the rights of creditors, existing contracts, or payments made. This order shall not, however, be construed as reducing the amount of dried milk products or dried milk compounds which any person is required to offer or deliver pursuant to contracts heretofore or hereafter entered into with any governmental agency.

(f) *Records and reports.* (1) Each person who manufactures any dried milk product, dried milk compound, or infant food on the effective date of this order shall, within 30 calendar days after the effective date hereof, and each person who does not manufacture any such product on the effective date of this order but who starts to manufacture a dried milk product, dried milk compound, or infant food after such effective date shall, within 30 calendar days after he starts to manufacture any such article, submit to the Director, on Form FDO-93-1, the following information: (i) the name, description, and composition of each dried milk product, dried milk compound, and infant food manufactured by such person and which he sold during the period from January 1, 1942, to the effective date hereof; (ii) the total quantity of each dried milk product, dried milk compound, and infant food manufactured by him which he sold during each calendar month of the calendar year 1942 to (*a*) all purchasers, including governmental agencies, and (*b*) governmental agencies; (iii) the total quantity of each dried milk product, dried milk compound, and infant food manufactured by him which he sold in the calendar year 1943 to (*a*) all purchasers, including governmental agencies, and (*b*) governmental agencies; (iv) the total quantity of each dried milk product, dried milk compound, and infant food manufactured by him which he sold during each calendar month of the calendar year 1942 and which required shipment by him to a point outside the United States or territories or possessions of the United States; (v) the total quantity of each dried milk product, dried milk compound, and infant food manufactured by him which he sold during the calendar year 1943 and which required shipment by him to a point outside the United States or territories or possessions of the United States; and (vi) the total quantity of each dried milk product, dried milk compound, and infant food manufactured by such person and owned by him at the effective time of this order. Each person who, after the effective date of this order, starts to manufacture a dried milk product, dried milk compound, or infant food which he did not manufacture during the period from January 1, 1942, to the effective date hereof, shall, within 30 calendar days after he starts to manufacture each such dried milk product, dried milk compound, or infant food, submit, in writing, to the Director the name, description, and composition of each such dried milk product, dried milk compound, or infant food.

(2) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(3) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in dried milk.

(4) The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(g) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of dried milk of any person, and to make such investigations, as may be necessary or appropriate in his discretion, to the enforcement or administration of the provisions of this order.

(h) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the administrator of this order. Such petition shall be addressed to Order Administrator, Food Distribution Order No. 93, Dairy and Poultry Branch, Office of Distribution, War Food Administration, Washington 25, D. C. Petition for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator on the petition, he shall obtain, by requesting the Order Administrator therefor, a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (h) shall not be construed to deprive the Director of authority to consider originally any petition for relief from hardship submitted in accordance herewith. The Director may consider any such petition and take such action with reference thereto that he deems appropriate, and such action shall be final.

(i) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using dried milk, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(j) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(k) *Communications.* All reports to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Director of Food Distribution, War Food Administration, United States Department of Agriculture, Washington 25, D. C., Ref. FD 93.

(l) *Territorial scope.* This order shall apply only to the 48 States of the United States and the District of Columbia.

(m) *Relevancy to Food Distribution Order No. 54.* The provisions of this order shall not be construed to abrogate, amend, modify, or suspend Food Distribution Order No. 54 (8 F.R. 7210).

(n) *Effective date.* This order shall become effective at 12:01 a m., e. w. t., March 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 18th day of February 1944.

WILSON COWEN,
*Assistant War Food Administrator.*

[F. R. Doc. 44-2407; Filed, February 18, 1944; 4:56 p. m.]

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[FDO 32, Amdt. 3]

PART 1460—FATS AND OILS

RESTRICTION ON USE AND DISTRIBUTION OF CASTOR OIL

Food Distribution Order No. 32, as amended (8 F.R. 3473, 13434, 16643), § 1460.4 is amended as follows:

By deleting the word and figure "March 31" in paragraph (r) thereof and inserting in lieu thereof the word and figure "June 30."

This amendment shall become effective on the 1st day of March 1944, at 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 18th day of February 1944.

WILSON COWEN,
*Assistant War Food Administrator.*

[F. R. Doc. 44-2408; Filed, February 18, 1944; 4:56 p. m.]

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[FDO 37, Amdt. 1]

PART 1460—FATS AND OILS

RESTRICTIONS ON USE OF SPERM OIL

Food Distribution Order 37 (8 F.R. 3481) issued by the Acting Secretary of Agriculture on March 19, 1943, is hereby amended to read as follows:

§ 1460.8 *Use and consumption of sperm oil restricted*—(a) *Definitions.* (1) The term "sperm oil" means that oil obtained from the sperm whale, including, but not limited to, head oil, body oil, or combined head and body oil. The term also includes sperm oil which has been winterized, pressed, distilled, deodorized, sulphonated, sulphurized, sulfo-chlorinated, sulphated, blown, or otherwise physically or chemically treated, including technical oleyl alcohol derived from sperm oil, but excluding crude and refined spermaceti and sulphated technical oleyl alcohol derived from sperm oil.

(2) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(3) "Director" means the Director of Food Distribution, War Food Administration.

(b) *Restrictions on use and consumption.* Except as provided for in paragraph (c) hereof, and without regard to whether or not the sperm oil is incorporated in the product, no person shall use or consume sperm oil in the manufacture of any product, other than sperm oil as heretofore defined, unless and except as specifically authorized by the Director.

(c) *Exceptions.* Notwithstanding the provisions of paragraph (b) hereof, specific authorization by the Director shall not be required for:

(1) The use or consumption of sperm oil by the Army, Navy, Coast Guard or Marine Corps of the United States; The United States Maritime Commission; or The War Shipping Administration.

(2) The use or consumption of sperm oil by any person in the manufacture of lubricants or lubricant additives.

(3) The use or consumption of sperm oil by any person in the manufacture of cutting oils or cutting compounds: *Provided, however,* That no person, who in any calendar month uses or consumes more than 2,000 pounds of sperm oil in the manufacture of cutting oils or cutting compounds, shall, during such month, use or consume sperm oil in the manufacture of a cutting oil or cutting compound which contains sperm oil in excess of a quantity equal to 65% (computed by weight) of the total fatty oil content of such oil or compound, unless specifically authorized by the Director.

(4) The use or consumption of sperm oil by any person in the manufacture of grinding oils.

(5) The use or consumption of sperm oil by any person in the manufacture of duplicating stencils, hectograph carbons, carbon papers, mimeograph ink, or typewriter ribbon ink.

(6) The use or consumption of sperm oil by any person, during any calendar month, who during such calendar month does not use or consume more than 500 pounds of sperm oil exclusive of sperm oil used or consumed by him, without specific authorization by the Director, pursuant to paragraphs (c) (2), (3), (4), and (5) hereof.

(d) *Applications for authorizations.* Every person requiring an authorization to use or consume sperm oil in any calendar month shall file an application therefor on or before the 15th day of the calendar month preceding the calendar month in which the applicant desires to use or consume the sperm oil covered by the application. The application shall be made on Form FDA-478, or such other form or forms as the Director may pre-

scribe, and shall be forwarded to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO–37. The Director may prescribe in each authorization issued under the provisions of this order the period of time in which the authorization shall be effective. No person shall take any action pursuant to, or in reliance on, an authorization which has expired.

(e) *Records and reports.* (1) Every person who uses or consumes, in any calendar month, in excess of 500 pounds of sperm oil in the manufacture of an end product, including as so used or consumed, for the purpose of this paragraph only, sperm oil processed in the production of sulphonated, sulphurized, sulfochlorinated, sulphated or blown sperm oil, or technical oleyl alcohol, but not including the use or consumption of such processed sperm oils or technical oleyl alcohol, shall between the first and fifteenth day of the following month, properly fill out and file Bureau of the Census Form BM–1, with respect to sperm oil, with the Bureau of the Census, Washington 25, D. C. In the column designated "produced during month" sperm oil which is merely processed shall not be reported. In the column designated "consumed during month" only sperm oil used or consumed within the meaning of the first sentence of this paragraph shall be reported. In the columns designated "stocks held" all sperm oil as defined in paragraph (a) (1) hereof shall be reported. Nothing in this paragraph shall be construed as requiring any person to file more than one Form BM–1 in any month except that a separate report shall be filed for each plant in which such person uses or consumes sperm oil.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in sperm oil.

(3) The Director shall be entitled to obtain such information from, and require such reports and keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(4) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(f) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of sperm oil of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(g) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may file a petition for relief in writing with the Director, addressed as follows: Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO–37. Such petition shall set forth all pertinent facts and the nature of the relief sought. The Administrator of this order shall then act upon the petition. In the event that the petitioner is dissatisfied with the action taken by the Administrator of this order, he may request a review of such action by the Director whose decision with respect to the relief sought shall be final.

(h) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using sperm oil, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(i) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director, and may be redelegated by him to any employee of the United States Department of Agriculture.

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, or otherwise provided herein, be addressed to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO–37.

(k) *Territorial extent.* This order shall apply only in the forty-eight States of the United States, and the District of Columbia.

(l) *Effective date.* This order shall become effective at 12: 01 a. m., e. w. t., March 1, 1944. However, with respect to violations of said Food Distribution Order 37, or rights accrued, or liabilities incurred thereunder, prior to said date, said Food Distribution Order 37 shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 18th day of February 1944.

WILSON COWEN,
*Assistant War Food Administrator.*

[F. R. Doc. 44–2409; Filed, February 18, 1944; 4:56 p. m.]



## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. 4110]

### PART 3—DIGEST OF CEASE AND DESIST ORDERS

#### MILFORD RIVET & MACHINE CO.

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet setting machines in commerce, (a) leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent; and (b) enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it; prohibited. (Sec. 3, 38 Stat. 731, 15 U.S.C., sec. 14) [Cease and desist order, Milford Rivet & Machine Company, Docket 4110, February 9, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C. on the 9th day of February, A. D., 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of, and in opposition to, the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of that certain Act of Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act:

*It is ordered,* That the respondent, Milford Rivet & Machine Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that

the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent.

2. Enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it.

*It is further ordered,* That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 44-2575; Filed, February 22, 1944; 11:45 a. m.]

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[Docket No. 4111]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JUDSON L. THOMSON MANUFACTURING CO.

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce, (a) leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent; and (b) enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it; prohibited. (Sec. 3, 38 Stat. 731, 15 U.S.C., sec. 14) [Cease and desist order, Judson L. Thomson Manufacturing Company, Docket 4111, February 9, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of February, A. D. 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of, and in opposition to, the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of that certain Act of Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act:

*It is ordered,* That the respondent, Judson L. Thomson Manufacturing Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent.

2. Enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it.

*It is further ordered,* That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 44-2571; Filed, February 22, 1944; 11:46 a. m.]

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[Docket No. 4113]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

TUBULAR RIVET & STUD CO.

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce, (a) leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent; and (b) enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it; prohibited. (Sec. 3, 38 Stat. 731, 15 U.S.C., sec. 14) [Cease and desist order, Tubular Rivet & Stud Company, Docket 4113, February 9, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of February, A. D. 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of, and in opposition to, the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of that certain Act of Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act:

*It is ordered,* That the respondent, Tubular Rivet & Stud Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or undertaking that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent.

2. Enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it.

*It is further ordered,* That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 44-2572; Filed, February 22, 1944; 11:46 a. m.]

[Docket No. 4560]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

EDWIN B. STIMPSON CO.

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines, (a) leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent; and (b) enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it; prohibited. (Sec. 3, 38 Stat. 731, 15 U.S.C., sec. 14) [Cease and desist order, Edwin B. Stimpson Company, Docket 4560, February 9, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of February, A. D. 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of, and in opposition to, the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial-examiner upon the evidence and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of that certain Act of Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act:

*It is ordered,* That the respondent, Edwin B. Stimpson Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent.

2. Enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it.

*It is further ordered,* That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-2576; Filed, February 22, 1944; 11:45 a. m.]

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[Docket No. 4561]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL RIVET & MANUFACTURING CO.

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce, (a) leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent; and (b) enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it; prohibited. (Sec. 3, 38 Stat. 731, 15 U.S.C., sec. 14) [Cease and desist order, National Rivet & Manufacturing Company, Docket 4561, February 9, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of February, A. D. 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of, and in opposition to, the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of that certain Act of Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act:

*It is ordered,* That the respondent, National Rivet & Manufacturing Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent.

2. Enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it.

*It is further ordered,* That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-2577; Filed, February 22, 1944; 11:45 a. m.]

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[Docket No. 4562]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CHICAGO RIVET AND MACHINE CO.

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce, (a) leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent; and (b) enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than

those acquired from respondent or from some source authorized by it; prohibited. (Sec. 3, 38 Stat. 731, 15 U.S.C., sec. 14) [Cease and desist order, Chicago Rivet and Machine Company, Docket 4562, February 9, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of February, A. D. 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of, and in opposition to, the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of that certain Act of Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act:

*It is ordered,* That the respondent, Chicago Rivet and Machine Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent.

2. Enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it.

*It is further ordered,* That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-2573; Filed, February 22, 1944; 11:46 a. m.]

[Docket No. 4563]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PENN RIVET CORP.

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce, (a) leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent; and (b) enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it; prohibited. (Sec. 3, 38 Stat. 731, 15 U. S. C., sec. 14) [Cease and desist order, Penn Rivet Corporation, Docket 4563, February 9, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of February, A. D. 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, stipulation entered into between counsel for the respondent and W. T. Kelley, Chief Counsel for the Commission, and the record in the proceeding of the Commission, against Judson L. Thomson Manufacturing Company (Docket 4111); and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of that certain Act of Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act:

*It is ordered,* That the respondent, Penn Rivet Corporation, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent.

2. Enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it.

*It is further ordered,* That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-2574; Filed, February 22, 1944; 11:46 a. m.]

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[Docket No. 4564]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SHELTON TACK CO.

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce, (a) leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent; and (b) enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it; prohibited. (Sec. 3, 38 Stat. 731, 15 U.S.C., sec. 14.) [Cease and desist order, Shelton Tack Company, Docket 4564, February 9, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of February, A. D. 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of, and in opposition to, the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto,

briefs filed in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusions that said respondent has violated the provisions of that certain Act of Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act:

*It is ordered,* That the respondent, Shelton Tack Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the leasing, sale, or making any contract for the sale of respondent's automatic rivet-setting machines in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Leasing, selling, or making any contract for the sale of, respondent's automatic rivet-setting machines on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use in or with such machines any rivets other than those acquired from respondent or from some source authorized by respondent.

2. Enforcing or continuing in operation or effect, any condition, agreement, or understanding in or in connection with any existing lease or sale contract, which condition, agreement, or understanding is to the effect that the lessee or purchaser of respondent's automatic rivet-setting machines shall not use in or with such machines rivets other than those acquired from respondent or from some source authorized by it.

*It is further ordered,* That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-2578; Filed, February 22, 1944; 11:45 a. m.]

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## TITLE 29—LABOR

### Chapter VII—National War Labor Board

### PART 802—RULES OF PROCEDURE

#### JURISDICTION AND PROCEDURE OF REGIONAL WAR LABOR BOARDS

Section 802.57 (a) (4) has been amended to read as follows:

(4) Rulings of the Regional Board on voluntary applications for approval of wage or salary adjustments shall take effect when issued to the parties. Such rulings may be issued to the parties when made, unless two or more public members of the Regional Board who dissent from a ruling request that the issuance of the ruling or any specified portion thereof be stayed and at the same time state the reasons for their request. In such event the ruling or the specified portion thereof and the accompanying request shall immediately be transmitted by the Regional Board to the National War Labor Board and may be issued to the parties only upon the expiration of ten days after its receipt in Washington, unless (i) the ruling is earlier approved by the Board or (ii) within such ten-day period the National War Labor Board sets the case down for review. In the latter event the Executive Assistant to the National War Labor Board shall communicate the National Board's action to the Regional Board, and the requested stay shall continue in effect until the case is finally disposed of. If only a specified portion of a ruling is asked to be stayed, as herein provided, the Regional Board may, in its discretion, issue to the parties any other unrelated provisions of the ruling at any time after the ruling is made.

Section 802.57 (b) (1) has been amended to read as follows:

(1) Regional War Labor Boards are authorized to issue directive orders in dispute cases in conformity with the policy of the National War Labor Board. Each such directive order shall bear the date of its actual issue and shall be issued to the parties when made. If after the issuance of such an order no timely petition for review is filed within the period provided in paragraph (c) below, and if the National War Labor Board within such a period does not review the order on its own motion, the order shall on the day following the last day for filing such a petition stand confirmed as the order of the National War Labor Board and shall immediately be effective according to its terms; *Provided,* That the National War Labor Board may at any time prior to the expiration of the time for the filing of a petition for review make such an order, or any part thereof, immediately effective pending any further proceedings. If a timely petition for review of a directive order of a Regional Board is filed by a party in accordance with the provisions of paragraph (c) below, or if the National War Labor Board reviews such an order on its own motion, the entire order shall be suspended, unless and until the National War Labor Board direct, or has directed, otherwise, or unless the parties otherwise agree. However, the date of expiration of the escape period fixed in a directive order of a Regional Board granting a maintenance of membership provision shall not be affected by the filing of a petition for review of this or any other provision of the order. If only a part of the order is sought to be reviewed, any party may petition the National War Labor Board to make the rest of the order immediately effective according to its terms. The parties may in any case mutually agree upon the date when the order, or any part thereof, shall take effect, except that where a wage or salary adjustment is made subject to the approval of the Economic Stabilization Director, the parties may not by their agreement make such adjustment effective prior to the date of such approval.

(E.O. 9017, 7 F.R. 237, E.O. 9250, 7 F.R. 7671, War Labor Disputes Act, P.L. 89, 78th Cong.)

Adopted: February 14, 1944.

THEODORE W. KHEEL, *Executive Director.*

[F. R. Doc. 44-2523; Filed, February 21, 1944; 4:43 p. m.]

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## TITLE 31—MONEY AND FINANCE: TREASURY

### Chapter I—Monetary Offices

### PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

[General License 2, Amdt.]

#### FOREIGN FUNDS CONTROL

FEBRUARY 21, 1944.

Amendment to General License No. 2 under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General License No. 2 (6 F.R. 6405) is hereby amended by changing the figure $50 wherever it appears in paragraph (b) to $500.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL, *Acting Secretary of the Treasury.*

[F. R. Doc. 44-2525; Filed, February 21, 1944; 10:57 a. m.]

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[General License 5, Amdt.]

### PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

#### FOREIGN FUNDS CONTROL

FEBRUARY 21, 1944.

Amendment of General License No. 5, under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General License No. 5 (6 F.R. 3214) is hereby amended by deleting paragraph (b) thereof.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as

amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 44-2526; Filed, February 21, 1944; 10:57 a. m.]

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[General Licenses 49, 50, 52, and 70, Amdt.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

FOREIGN FUNDS CONTROL

FEBRUARY 21, 1944.

Amendment of General Licenses Nos. 49, 50, 52, and 70 under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General Licenses Nos. 49,[1] 50,[2] 52,[3] and 70[4] are hereby amended by deleting the final sentence from paragraph (d) of General License No. 49 and from paragraph (5) of General Licenses Nos. 50, 52, and 70.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 44-2524; Filed, February 21, 1944; 10:57 a. m.]

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[General License 53, Amdt.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

FOREIGN FUNDS CONTROL

FEBRUARY 21, 1944.

Amendment of General License No. 53 under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General License No. 53[5] is hereby amended in the following respects:

(a) Paragraph (d) (3) thereof is deleted;

(b) Paragraph (d) (4) thereof is renumbered (d) (3).

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

RANDOLPH PAUL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 44-2527; Filed, February 21, 1944; 10:57 a. m.]

[1] 6 F.R. 3057; 7 F.R. 1126, 8632.
[2] 6 F.R. 3057; 7 F.R. 1126, 8632.
[3] 6 F.R. 3057, 3404; 7 F.R. 1126, 8632.
[4] 6 F.R. 3057, 3404; 7 F.R. 9119.
[5] Paragraph (d) appears as "(3)" at 6 F.R. 3946 and 5180; as "(d)" at 8 F.R. 4876 and 6595.

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## TITLE 32—NATIONAL DEFENSE

### Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 933—COPPER

[Copper Order M-9, Direction 2]

The following direction is issued pursuant to Copper Order M-9:

(a) During any calendar quarter, a person may accept delivery of copper raw materials without specific authorization of the War Production Board: *Provided,*

(1) That his total receipts of copper raw materials from all sources during that calendar quarter do not exceed one hundred fifty (150) pounds copper content; and

(2) That he endorses his purchase orders for such materials as follows:

This order is certified as one on which I am entitled to accept delivery pursuant to Direction No. 2 of Copper Order M-9.

(b) It is to be noted that the material obtained under this direction may not be used in violation of Conservation Order M-9-c or any other order or regulation of the War Production Board.

Issued this 22d day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
*Recording Secretary.*

[F. R. Doc. 44-2559; Filed, February 22, 1944; 11:30 a. m.]

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PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-117, as Amended Feb. 22, 1944]

EXTRA STAPLE COTTON

§ 3290.66 *Conservation Order M-117*—(a) *Definitions.* In this order:

NOTE: Former subparagraphs (1) and (2) deleted, subparagraphs (3), (4) and (5) redesignated (1), (2), and (3) Feb. 22, 1944.

(1) "Reserve cotton" means Giza 7 variety of raw cotton grading "good" or higher (according to the recognized Egyptian standards of classification) or Porto Rico Sea Island variety of raw cotton of 1⅞" or longer staple length grading No. 2 or higher (according to the official United States standards of classification).

(2) "Stitching thread" means finished thread made of reserved cotton (including single or plied yarn with a thread twist made of reserved cotton, customarily manufactured into stitching thread) for use in stitching or home sewing. It does not include crochet, embroidery or other fancy threads.

(3) "Dealer" means a person regularly engaged in the business of purchasing raw cotton for resale. It includes an exporter, importer, agent, and broker, whether or not he owns the cotton.

*Restrictions*

(b) *Importation.* The importation of raw cotton of 1⅛" to 1 21/32", inclusive, staple length shall be according to General Imports Order M-63, as amended from time to time, and, unless approved by the War Production Board on Form WPB-1615 (formerly Form PD-644), no person shall enter through the United States Customs for consumption, or withdraw from the bonded custody of the United States Bureau of Customs (bonded warehouses) such cotton. This restriction shall not apply to samples taken under a United States Bureau of Customs Sampling permit.

(c) *Sale, delivery, processing, use.* No person shall sell, deliver, buy, receive, process or use reserved cotton, knowing or having reason to believe that it is or will be sold, delivered, processed or used other than in one of the following specifically authorized transactions:

(1) Sales or deliveries to dealers.

(2) Sales or deliveries to the Foreign Economic Administration, the Commodity Credit Corporation, any other United States Government department, agency or corporation, or an agent acting for any of them.

(3) Sales, deliveries, processing or use of reserved cotton for incorporation into products to be delivered to or for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(4) Sales, deliveries, processing or use of reserved cotton for stitching thread, subject to the limitations of paragraph (d) "*Stitching thread.*"

(d) *Stitching thread.* No person shall use annually, beginning January 1, 1944, more reserved cotton for stitching thread than:

(1) An amount of reserved cotton necessary to fill orders for stitching thread for incorporation into products to be delivered to or for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration,

plus

(2) The same amount of reserved cotton, as defined in paragraph (a) of this amended order, as he used in 1941 for stitching thread.

*Equitable Distribution*

(e) *Equitable distribution.* It is the policy of the War Production Board that the cotton described in this order not required to fill rated orders shall be distributed equitably. In making such distribution due regard should be given to essential civilian needs, and there should be no discrimination in the acceptance or

filling of orders as between persons who meet the seller's regularly established prices and terms of sale or payment. Under this policy every seller of such cotton, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically, without prejudice because of their size, location or relationship as affiliated outlets. It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

*General Provisions*

(f) *Grading.* The War Production Board may require any dealer to submit any lot of cotton for classification by the Appeal Board of Review Examiners of the United States Department of Agriculture, whose findings shall, for the purposes of this order, be final in establishing whether the cotton is reserved cotton.

(g) *Reports.* Every owner, processor and holder (for his own account or for the account of others) of cotton 1⅛" or longer staple length shall file with the War Production Board, not later than the 15th day after the end of each calendar quarter, a report on Form WPB–2071 (formerly PD–597) showing the amount of such cotton held or owned by him on the last day of such calendar quarter. This reporting requirement has been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

(h) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(i) *Communications.* All reports required to be filed and all communications concerning this order shall, unless otherwise directed in writing, be addressed to the War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C. Reference M–117.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine and imprisonment. In addition, such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(k) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

Issued this 22d day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
*Recording Secretary.*

[F. R. Doc. 44–2560; Filed, February 22, 1944; 11:30 p. m.]

## PART 3293—CHEMICALS

[Allocation Order M–287 as Amended Feb. 22, 1944]

### ANHYDROUS ALUMINUM CHLORIDE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of anhydrous aluminum chloride for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.376 *Allocation Order M–287*—(a) *Definitions.* (1) "Anhydrous aluminum chloride" means the chemical of that name, in any form.

(2) "Supplier" means any producer or distributor of anhydrous aluminum chloride.

(3) "Producer" means any person who produces anhydrous aluminum chloride.

(4) "Distributor" means any person who purchases anhydrous aluminum chloride for resale.

(b) *Restrictions on deliveries and use.* (1) On and after March 15, 1943, no supplier shall deliver or use anhydrous aluminum chloride, and no person shall accept delivery of anhydrous aluminum chloride from a supplier, except as specifically authorized or directed by the War Production Board.

(2) Authorizations or directions with respect to deliveries to be made or accepted in each month beginning with April, 1943 (and with respect to use by supplier) will so far as practicable be issued by the War Production Board prior to the commencement of such month, but the War Production Board may at any time at its discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted. The War Production Board may also at any time issue directions with respect to the use or uses which may or may not be made by any person of anhydrous aluminum chloride to be delivered or then on hand, or with respect to the kinds of anhydrous aluminum chloride which a producer may manufacture.

(3) Each person specifically authorized to accept delivery of anhydrous aluminum chloride shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed by the War Production Board.

(4) Anhydrous aluminum chloride allocated for inventory shall not be used except as specifically directed by the War Production Board. Anhydrous aluminum chloride allocated to fill a specified order or class of orders shall, where and to the extent that such order or class of orders is for any reason not filled, revert to inventory.

(5) Each person who receives specific authorization to accept delivery of anhydrous aluminum chloride in any calendar month and who shall not prior to the first day of the next succeeding month have received delivery in full of the quantity so authorized, shall report such fact to the War Production Board not later than the 5th day of such succeeding month.

(6) Deliveries specifically authorized or directed to be made in any calendar month where the authorization or direction does not specify dates or order of shipment may be made without regard to preference ratings applicable to particular orders.

(c) *Exception to requirement for specific authorization.* (1) Notwithstanding the provisions of paragraph (b) (1) hereof, specific authorization or direction of the War Production Board shall not be required for:

(i) The acceptance of delivery by any person, or use by any supplier, of not more than 600 lbs. of anhydrous aluminum chloride in the aggregate in any calendar month: *Provided,* That such person (or supplier) has not been specifically authorized to use or accept delivery of any quantity of anhydrous aluminum chloride during such month.

(ii) The delivery by any supplier of 600 lbs. or less of anhydrous aluminum chloride to each customer in any month, except to customers whom he knows or has reason to believe are not entitled to accept delivery under this exemption.

(2) No producer shall in any calendar month pursuant to paragraph (c) (1) deliver an aggregate amount of anhydrous aluminum chloride in excess of one per cent of the amount of anhydrous aluminum chloride which he is specifically authorized to deliver during such month.

(3) No supplier shall make deliveries during any calendar month pursuant to paragraph (c) (1) if such deliveries will prevent completion of any deliveries which have been specifically authorized for such month.

(d) *Applications and reports.* (1) Each person seeking authorization to accept delivery of (and each supplier seeking authorization to use) anhydrous aluminum chloride in any calendar month beginning with April, 1943, whether for own consumption or resale, shall file application on or before the 15th day of the preceding month. Where delivery or use is to be in March, 1943, such application shall be filed as many days as possible in advance of the requested acceptance of delivery or use. In each case, application shall be made on Form WPB–2945 (formerly PD–600), in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form WPB–2945 (formerly PD–600) may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which one shall be forwarded to the supplier and three to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M–287, the fifth to be retained for your files.

(iii) In the heading, under name of chemical, specify anhydrous aluminum chloride; under WPB Order No., specify M–287; under name of company, specify name and mailing address; under unit of measure, specify pounds; and specify the month and year for which authorization for acceptance of delivery or use is sought.

(iv) In Columns 1, 11 and 19 specify grade in terms of the following: technical grade, chemically pure.

(v) In Columns 3, 20 and 22, specify your primary product in terms of the following:

Aviation gasoline
Refining aluminum metal

Synthetic rubber
Synthetic detergents
Toluene
Vat dyes
Nylon
Pharmaceuticals
Terpene resins
Lubricating oil additive
Lubricating oil refining
Catalyst for aviation gasoline, its components and raw materials
Other chemicals (specify)
Others (specify)
Resale (as anhydrous aluminum chloride)
Inventory (as anhydrous aluminum chloride)

(vi) In Column 4, specify ultimate use of product (where, for example, your primary product called for in Column 3 is "vat dyes", the ultimate use of product might be "overcoats"), and also specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease, or commercial customer. Where the Form WPB 2945 (formerly PD-600) is an application for anhydrous aluminum chloride for resale or inventory (in each case as anhydrous aluminum chloride), leave Column 4 blank.

(2) Each supplier seeking authorization to make delivery of anhydrous aluminum chloride during any calendar month beginning with April, 1943, shall file application on or before the 20th day of the preceding month. The application shall be made on Form WPB-2946 (formerly PD-601) in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form WPB-2946 (formerly PD-601 may be obtained at local field offices of the War Production Board.

(ii) Prepare four copies and forward three certified copies to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-287.

(iii) Suppliers who have filed application on Form WPB-2945 (formerly PD-600) specifying themselves as their suppliers, shall list their own names as customers on Form WPB-2946 (formerly PD-601) and shall list their request for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical, specify "anhydrous aluminum chloride"; under WPB Order No., specify "M-287"; under name of company, state name and mailing address; under unit of measure specify "pounds"; and state the month and year during which deliveries covered by your application are to be made.

(v) In Columns 3 and 8, specify grades as stated in customer's Form WPB-2945 (formerly PD-600)

(vi) The supplier may, if he wishes, leave Column 5 blank.

(vii) Names of customers to whom small order deliveries are to be made during the next calendar month pursuant to paragraph (c) (1) of this order need not be listed, but insert in Column 1 "Total small order deliveries (estimated)", and in Column 4, state the estimated quantity.

(viii) If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

(3) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such person with respect to preparing and filing (Forms WPB-2945 (formerly PD-600) and WPB-2946 (formerly PD-601).

(e) *Notification of customers.* Each supplier shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Ref: M-287.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 22d day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
*Recording Secretary.*

[F. R. Doc. 44-2561; Filed, February 22, 1944; 11:30 a. m.]

## Chapter XI—Office of Price Administration

### PART 1388—DEFENSE-RENTAL AREAS

[Hotels and Rooming Houses,[1] Amdt. 5]

RESORT ROOMS, NEW YORK CITY AREA

Rent Regulation for Hotels and Rooming Houses in the New York City Defense-Rental Area is amended in the following respects:

1. Section 1 (b) (5) is added to read as follows:

(5) *Resort rooms.* Rooms located in a resort community and customarily rented or occupied on a seasonal basis, which were not rented during any portion of the period beginning on November 1, 1943 and ending on February 29, 1944.

The exemption provided in this paragraph (b) (5) shall be effective only from June 1, 1944 to September 30, 1944, inclusive.

2. The last sentence of the first unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraphs (a) (7) and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on September 30, 1943.

This amendment shall become effective February 22, 1944.

(56 Stat. 23, 765)

Issued this 21st day of February 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-2532; Filed, February 21, 1944; 5:12 p. m.]

[1] 8 F.R. 13910, 14617, 14814, 15581, 16219, 16893.

### PART 1388—DEFENSE-RENTAL AREAS

[Hotels and Rooming Houses,[1] Amdt. 6]

RENT CONCESSION, NEW YORK CITY AREA

Rent Regulation for Hotels and Rooming Houses in the New York City Defense-Rental Area is amended in the following respects:

1. Section 5 (c) (5) is added to read as follows:

(5) *Rent concession.* The rent on the date determining the maximum rent was established by a lease or other rental agreement for a period of occupancy of one or more years, which provided for a rent concession during such period of occupancy in the form of either a rent-free period or an abatement of rent.

2. The second sentence of the first unnumbered paragraph of section 5 is amended to read as follows:

Except in cases under paragraphs (a) (7), (c) (4), and (c) (5) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943: *Provided, however,* That no maximum rent shall be increased because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on March 1, 1943 the difference in the rental value of the accommodations by reason of such improvement or increase: *And provided, further,* That no adjustment shall be ordered because of a major capital improvement, an increase or decrease in services, furniture, furnishings, or equipment, or a deterioration, where it appears that the rent during the thirty-day period determining the maximum rent was fixed in contemplation of and so as to reflect such change.

3. The following sentence is added to the first unnumbered paragraph of section 5 to read as follows:

In cases under paragraph (c) (5) of this section the adjustment shall be on the basis of the average rent during the period of occupancy of the lease or other rental agreement in effect on the date determining the maximum rent.

[1] 8 F.R. 13910, 14617, 14814, 15581, 16219, 16893.

This amendment shall become effective February 22, 1944.

(56 Stat. 23, 765)

Issued this 21st day of February 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-2533; Filed, February 21, 1944; 5:11 p. m.]

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PART 1388—DEFENSE-RENTAL AREAS

[Housing,[1] Amdt. 4]

RESORT HOUSING, NEW YORK CITY AREA

Rent Regulation for Housing in the New York City Defense-Rental Area is amended in the following respects:

1. Section 1 (b) (6) is added to read as follows:

(6) *Resort housing.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis, which were not rented during any portion of the period beginning on November 1, 1943 and ending on February 29, 1944.

The exemption provided by this paragraph (b) (6) shall be effective only from June 1, 1944 to September 30, 1944, inclusive.

2. The last sentence of the first unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraph (a) (7) and (c) (6) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on September 30, 1943.

This amendment shall become effective February 22, 1944.

(56 Stat. 23, 765)

Issued this 21st day of February 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-2530; Filed, February 21, 1944; 5:12 p. m.]

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PART 1388—DEFENSE-RENTAL AREAS

[Housing,[1] Amdt. 5]

RENT CONCESSION, NEW YORK CITY AREA

Rent Regulation for Housing in the New York City Defense-Rental Area is amended in the following respects:

1. Section 5 (c) (5) is amended to read as follows:

(5) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially lower rent at other periods during the term of such lease or agreement: *Provided,* That this subparagraph shall not apply to cases covered by paragraph (c) (8) of this section.

2. Section 5 (c) (8) is added to read as follows:

(8) *Rent concession.* The rent on the date determining the maximum rent was established by a lease or other rental agreement for a period of occupancy of one or more years, which provided for a rent concession during such period of occupancy in the form of either a rent-free period or an abatement of rent.

3. The third sentence of the first unnumbered paragraph of section 5 is amended to read as follows:

In all other cases, except those under paragraphs (a) (7), (c) (6), and (c) (8) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943.

4. The following sentence is added to the first unnumbered paragraph of section 5 to read as follows:

In cases under paragraph (c) (8) of this section the adjustment shall be on the basis of the average rent during the period of occupancy of the lease or other rental agreement in effect on the date determining the maximum rent.

This amendment shall become effective February 22, 1944.

(56 Stat. 23, 765)

Issued this 21st day of February 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-2531; Filed, February 21, 1944; 5:11 p. m.]

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PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 106]

GASOLINE WITH HIGH OCTANE RATING

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1394.7551 (a) (12) (ii) is amended to read as follows:

(ii) Any petroleum product having an octane rating of 86 or more (ASTM D357-42T) when not used or blended for use as fuel for a motor vehicle. Any quantity of the foregoing product which is used or blended for use as fuel for a motor vehicle shall be deemed to be gasoline.

This amendment shall become effective February 25, 1944.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121, E.O. 9125, 7 F.R. 2719)

Issued this 21st day of February 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-2542; Filed, February 21, 1944; 5:12 p. m.]

*Copies may be obtained from the Office of Price Administration.

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PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53,[1] Amdt. 18]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 53 is amended in the following respect:

Section 1.13 (b) is amended by deleting the last three words in said section, being the words "and cocoa butter.", and by inserting in lieu thereof the words "cocoa butter, and poultry fat."

This amendment shall become effective as of February 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7671; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of February 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-2523; Filed, February 21, 1944; 5:13 p. m.]

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PART 1400—TEXTILE FABRICS: COTTON, WOOL, SYNTHETICS AND ADMIXTURES

[MPR 127, Amdt. 18]

FINISHED PIECE GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 127 is amended in the following respects:

In § 1400.82 (w), subparagraph (1) is amended to read as follows:

(1) Regardless of any contract, agreement, or other obligation the maximum price for finished piece goods which are produced from grey goods manufactured in a foreign country and imported into the continental United States by the converter pursuant to a contract with the foreign seller or his agent entered into prior to November 10, 1943, shall be the aggregate of the actual landed duty paid cost of the grey goods and the four items set forth in subparagraphs (2), (3), (4) and (5) of paragraph (a) of this § 1400.82, which sum may be divided by 0.935 but by no other division factor except in accordance with paragraph (h) of this section.

This amendment shall become effective February 21, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of February 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-2541; Filed, February 21, 1944; 5:11 p. m.]

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[1] 8 F.R. 13914, 14814, 15586, 16219.

[1] 8 F.R. 15937.

[1] 8 F.R. 11150, 11593, 11236, 11739, 12022, 12542, 12559, 12573, 15523.

## PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 37]

### CHEMICAL CORDWOOD OF CERTAIN HARDWOODS PRODUCED IN NEW YORK AND PENNSYLVANIA

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 348 is amended by the addition of Appendix G, Table 8.

TABLE 8

*Area.* Part of the States of New York and Pennsylvania as follows:

New York: Counties of Broome, Delaware, Sullivan, Allegany, Cattaraugus, and Steuben.

Pennsylvania: Counties of Elk, Forest, McKean, Potter, Tioga, Warren, Jefferson, Lycoming, and Wayne.

*Species.* Chemical wood of the following species: Birch, beech, maple, cherry, oak, hickory; other species of hardwoods at the option of the purchaser.

*Grading and scaling rules.* The basis for measurement shall be the unit of 138 cubic feet, based on 52" sticks piled 4 feet in height and 8 feet in length.

Sticks may be cut in 48", 50" or 52" lengths as specified by the buyer, but the price must be adjusted accordingly.[2]

Chemical wood must have a diameter at the small end of at least 3"; sticks greater than 6" in diameter at the large end must be split and the split wood must not be greater than 10" in any one axis; rot or doty material will not be accepted.

*Maximum price.* $10.00 per unit of 138 cubic feet, f. o. b. cars or delivered to the mill by truck from within 25 miles. If chemical cordwood is delivered to the mill by truck from a distance in excess of 25 miles the buyer may add 5 cents per unit of 138 cubic feet for every load mile in excess of 25 miles.

This amendment shall become effective February 28, 1944.

(56 Stat. 23,765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 FR. 4681)

Issued this 22d day of February 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-2562; Filed, February 22, 1944; 11:38 a. m.]

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## PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 38]

### PINE AND HARDWOOD BOLTS IN TEXAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 348 is amended by the addition of Appendix C, Table 6.

TABLE 6

*Area.* In the State of Texas the Counties of Harris, Liberty, Hardin, Polk, San Jacinto, Walker, Grimes, and Montgomery.

*Species.* Pine and hardwood bolts suitable for the manufacture of woven picket fences (including snow fences and corn-cribbing).

*Scaling and grading rules:* All bolts are to be measured on the basis of a unit containing 133 cubic feet.

Bolts are to be cut into 4 or 5 foot lengths as specified by the buyer. Each bolt shall be cut 2 inches over in length to allow for trim. Thus, the unit must actually contain 133 cubic feet.

Bolts must be straight and cut from live sound timber from the main bole of the tree. Bolts cut from the tops will not be accepted.

The minimum diameter acceptable is 6 inches.

*Maximum Prices*

| | |
|---|---|
| Pine | $7.60 per unit of 133 cu. ft. |
| Hardwood | 8.00 per unit of 133 cu. ft. |

These prices are for pine and hardwood bolts delivered to the mill by truck or f. o. b. cars at shipping point.

If the buyer takes delivery at some place other than on railroad cars or at the mill, the maximum prices must be reduced by

(a) The cost per cord to the buyer of trucking bolts to the closest rail siding and loading on cars if delivery to mill is by rail, or

(b) The cost per cord to the buyer of trucking bolts to the mill if delivery to mill is by truck.

This amendment shall become effective February 28, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of February 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-2563; Filed, February 22, 1944; 11:38 a. m.]

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## PART 1351—FOOD AND FOOD PRODUCTS

[2d Rev. MPR 456]

### ALFALFA HAY PRODUCTS

Revised Maximum Price Regulation 456 is redesignated Second Revised Maximum Price Regulation 456 and is revised and amended to read as set forth herein. In the judgment of the Price Administrator, the maximum prices established by this revised regulation are generally fair and equitable and comply with all the provisions and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of Executive Orders 9250 and 9328.

Such specifications and standards as are used in this revised regulation were, prior to such use, in general use in the trade or industry affected.

A statement of the considerations involved in the issuance of this revised regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1351.366 *Maximum prices for alfalfa hay products.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250 and Executive Order 9328, Second Revised Maximum Price Regulation 456 (Alfalfa Hay Products) which is annexed hereto, and made a part hereof, is hereby issued.

AUTHORITY: § 1351.366 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

### SECOND REVISED MAXIMUM PRICE REGULATION 456—ALFALFA HAY PRODUCTS

CONTENTS



SECTION 1. *Applicability.* Except as provided in paragraph (a) of this section, this second revised regulation shall apply to all sales within the 48 states and District of Columbia of domestic and imported alfalfa hay products whether sold for immediate or future delivery.

(a) *Sales excepted.* This revised regulation shall not apply to:

(1) Any sale or delivery of any alfalfa hay product for human consumption when sold by a person other than the processor thereof. The General Maximum Price Regulation, as amended, shall apply.

(2) Any sale or delivery of any alfalfa hay product the maximum price for which is established by any order now or hereafter issued by the Office of Price Administration Regional Administrator for Region VIII pursuant to § 1499.18 (c) of the General Maximum Price Regulation, as amended.

(3) Any export sale of any alfalfa hay product. The maximum price for such sales shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.

SEC. 2. *Sales at other than maximum prices.* (a) Regardless of any contract or obligation, no person shall sell or deliver, and no person shall in the course of trade or business, buy or receive any of the products covered by this regulation at a price above the maximum price established by this regulation, nor shall any person agree, solicit, offer, or attempt to do any of the foregoing: *Provided, however,* That this prohibition is subject to the exception provided for in subparagraph (1) of this paragraph.

(1) Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery, but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accord-

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16115, 16198, 16204, 16297; 9 F.R. 220, 392, 343, 402.

[2] Thus, 48" sticks can be sold on the basis of 128 cubic feet but at a price 7.2 percent below the price set forth herein. Similarly, 50" wood can be purchased on the basis of 133 cubic feet or 3.6 percent below the price set forth herein. See conversion tables at beginning of Appendix G, set out in Amendment 8 to the Regulation.

ance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by an order of the Administrator or of any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

(b) Prices lower than the maximum prices established by this regulation may, of course, be charged or paid.

SEC. 3. *Definitions.* When used herein, the following terms shall have the following meanings:

"Person" means an individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing, and includes the United States or any other Government or any political subdivision or agency of any of the foregoing.

"Processor" means, with respect to any lot of alfalfa hay products, a person who manufactures such alfalfa hay products or has his own alfalfa hay manufactured by others in alfalfa hay products to which he retains title. It includes an importer-processor.

"Jobber" means, with respect to any lot of alfalfa hay products, a person, other than the processor, who sells such alfalfa hay products without first having unloaded them into a warehouse or store. It includes an importer-jobber.

"Wholesaler" means, with respect to any lot of alfalfa hay products, a person, other than the processor, who sells such alfalfa hay products after having unloaded the same into a warehouse or store to anyone other than a feeder. It includes an importer-wholesaler. It also includes a processor who unloads such products into a warehouse or store operated by him as a separate place of business not located at the production plant and who sells the same from such warehouse or store to anyone other than a feeder.

"Retailer" means, with respect to any lot of alfalfa hay products, a person other than the processor, who sells such alfalfa hay products after having unloaded the same into a warehouse or store to a feeder. It includes an importer-retailer. It also includes a processor who unloads such products into a warehouse or store operated by him as a separate place of business not located at the production plant and who sells the same from such a warehouse or store to a feeder.

"Importer" means, with respect to a lot of alfalfa hay products manufactured outside the continental United States, the person who first sells a lot of such products within the 48 states or the District of Columbia. On that sale, the importer will always also be either a processor, jobber, wholesaler, or retailer, depending upon which one of those classes he belongs to, and he will be referred to herein as "importer-processor," "importer-jobber," "importer-wholesaler" or "importer-retailer," as the case may be.

"Supplier" means, as to any seller, the person from whom he purchased the alfalfa hay product being priced.

"Feeder" means, with respect to any lot of alfalfa hay products, a person who feeds any alfalfa hay product to animals or poultry.

"Alfalfa hay products" means the products produced by a processor from alfalfa hay, and include alfalfa meal, alfalfa leaf meal, alfalfa stem meal, chopped alfalfa, and those products referred to in section 4 (b) (3) hereof. The term refers to alfalfa hay products for human consumption, animal consumption, or other use, and to domestic and imported products.

"Alfalfa meal" means the product obtained from the grinding of the entire alfalfa hay, without the addition of any alfalfa stems, alfalfa straw or foreign material, or the abstraction of leaves. It must be reasonably free from other crop plants and weeds, and must not contain more than 33 percent of crude fibre.

"Alfalfa leaf meal" means the product consisting chiefly of the ground leafy materials which have been separated from alfalfa hay or meal. It must be reasonably free from other crop plants or weeds and must not contain more than 18 percent of crude fibre.

"Alfalfa stem meal" means the ground product remaining after the separation of the leafy material from alfalfa hay or meal. It must be reasonably free from other crop plants and weeds.

"Chopped alfalfa" means the entire alfalfa hay chopped, cut or ground, but still coarse enough not to pass through a screen whose mesh is less than one inch. Chopped alfalfa must not contain an admixture of alfalfa straw or other foreign material.

"Dehydrated" means artificially dried.

"Carload lot" means a lot of 60,000 pounds of alfalfa hay products, or any smaller quantity which moves as a rail carload shipment under the Office of Defense Transportation or tariff requirements.

"Pool car lot" means a lot of alfalfa hay products sold to one person and being shipped to the purchaser as part of a rail carload lot of alfalfa hay products sold by one seller to two or more persons.

"Less-than-carload lot" means any lot of alfalfa hay products other than a carload lot or a pool car lot.

"Transportation expenses" mean:

(a) When the transportation is by for-hire carrier:

(1) If the shipment originates at a point in the continental United States, the actual lawful transportation charges incurred in delivering to the purchaser, except as provided in (3) and (4) of this definition;

(2) If the shipment originates outside the continental United States, the lowest rail rate of freight applicable to the shipment, from the point of entry to destination, except as provided in (3) and (4) of this definition;

(3) Loading charges not customarily included in such transportation charges may not be added, and

(4) On a shipment involving a rail movement, charges incurred in getting the lot of alfalfa hay products being sold to the rail point of origin may not be included;

(b) When transportation is by other than for-hire carrier, the reasonable value of the transportation service not to exceed the lowest common carrier rate (if any) nor the maximum price the person could lawfully charge a third person for a like service if performed as a for-hire carrier other than a common carrier;

(c) When the shipment is by a combination of the foregoing, the sum of the amounts computed for each factor of transportation, except as provided in paragraph (a) (4) of this definition.

SEC. 4. *Maximum prices for sales of alfalfa hay products by processors.* The maximum per ton price of a sale or delivery of alfalfa hay products in bulk by the processor shall be determined by adjusting the appropriate basic price set forth in Table I by the differentials listed in this section which are applicable to the particular sale and delivery being priced, and adding seller's transportation expenses. The appropriate basic price is dependent upon the type of alfalfa hay product (sun cured or dehydrated) being priced, and either the location of the production plant, in the case of domestically produced products, or the location of the point of entry in the case of products produced outside the continental United States.

(a) *Basic prices per ton for alfalfa hay products.*

TABLE I

| | A Sun cured | B Dehydrated |
|---|---|---|
| Montana | $36.50 | $45.00 |
| Wyoming | 36.50 | 45.00 |
| North Dakota | 36.50 | 45.00 |
| South Dakota | 36.50 | 45.00 |
| Colorado | 36.50 | 45.00 |
| Nebraska | 38.50 | 47.00 |
| Western Kansas[1] | 38.50 | 47.00 |
| Utah | 39.50 | 47.00 |
| Idaho | 39.50 | 47.00 |
| Minnesota | 39.50 | 43.00 |
| Iowa | 39.50 | 43.00 |
| Oklahoma | 40.50 | 47.00 |
| Texas | 40.50 | 47.00 |
| New Mexico | 40.50 | 47.00 |
| Eastern Kansas[2] | 41.00 | 43.00 |
| Wisconsin | 41.00 | 45.00 |
| Illinois | 41.00 | 45.00 |
| Missouri | 41.00 | 45.00 |
| Arkansas | 41.00 | 43.00 |
| Louisiana | 42.50 | 45.00 |
| Mississippi | 42.50 | 45.00 |
| Kentucky | 42.50 | 43.00 |
| Tennessee | 42.50 | 43.00 |
| Alabama | 44.00 | 43.00 |
| Michigan | 44.00 | 45.00 |
| Indiana | 44.00 | 45.00 |
| Ohio | 44.00 | 45.00 |
| All other States (except those in Region VIII) | 45.50 | 45.00 |

[1] Western Kansas refers to the following counties in Kansas: Barber, Pratt, Stafford, Barton, Russell, Osborne, Smith, and to all counties lying west of those named.

[2] Eastern Kansas refers to all counties in Kansas not included in Western Kansas.

(b) *Differentials per ton for types, kinds and grades of alfalfa hay products*—(1) *Suncured alfalfa hay products.* (These differentials are to be added to or deducted from the prices in Column A of Table I).

TABLE II

| | | |
|---|---|---|
| Alfalfa leaf meal: | | |
| No. 1 or choice alfalfa leaf meal [1] | plus | $12.00 |
| Standard alfalfa leaf meal | plus | 8.00 |
| No. 1 Alfalfa meal: [1] | | |
| Fine Ground: | | |
| 20% or more protein | plus | 12.00 |
| 17% up to 20% protein | plus | 7.00 |
| 15% up to 17% protein | plus | 3.00 |
| Less than 15% protein | no differential | |
| Medium | minus | 2.00 |
| ¼" screen | minus | 1.50 |
| ⅛" screen | minus | 1.00 |
| No. 1 Alfalfa stem meal [1] | minus | 5.00 |
| No. 1 Chopped alfalfa [1] | minus | 10.00 |

[1] For No. 2 grade, the maximum prices computed hereunder shall be reduced $2.00. For Sample grade, the maximum prices computed hereunder shall be reduced $4.00.

(2) *Dehydrated alfalfa hay products.* (These differentials are to be added to or deducted from the prices in Column B of Table I).

TABLE III

| | | |
|---|---|---|
| Alfalfa leaf meal | plus | $12.00 |
| Alfalfa meal: | | |
| 20% or more protein | plus | 10.00 |
| 17% up to 20% protein | plus | 7.00 |
| 15% up to 17% protein | plus | 4.00 |
| Less than 15% protein | no differential | |
| Alfalfa stem meal | minus | 10.00 |

(3) *Other alfalfa hay products.* The differential for any alfalfa hay product not listed above (including alfalfa hay products for human consumption, products resulting from the further processing of any alfalfa hay product listed above, and products not meeting the definition of alfalfa meal because of the presence of too much crude fibre) shall be the dollars and cents difference during July 1943 between the processor's price bulk, f. o. b. his production plant for No. 1 fine ground sun cured alfalfa meal having less than 15% protein, and his bulk, f. o. b. production plant price for the product in question. If the processor had no such differential he shall take the July 1943 customary trade differential between the two. This differential shall be added or subtracted as is appropriate in each case, pursuant to the practice during July 1943.

(c) *Differential for sale and delivery of less than carload lot.* If the purchaser buys and takes delivery in less than carload lots, $1.00 per ton may be added.

SEC. 5. *Maximum prices for sales of alfalfa hay products by any person other than the processor.* The maximum price for the sale of any alfalfa hay product not for human consumption, bulk, by any person other than the processor, shall be determined by adding seller's transportation expenses and the applicable markup, if any, set forth in paragraph (a) below, either to his supplier's lawful maximum per ton price on the sale to him, or, in the case of a sale by an importer, to the maximum price of a processor for a sale, bulk, f. o. b. production plant of a like amount of a like domestic commodity.

(a) Subject to the limitation set forth in subparagraph (1) of this paragraph, the markup from among those set forth in this paragraph applicable to the sale and delivery and to the class of seller:

| Class of seller: | *Maximum per ton markup* |
|---|---|
| Jobbers | $1.00 for deliveries in pool car lots. |
| | .75 for all other sales and deliveries. |
| Wholesaler | 2.50 |
| Retailer | 7.00 |

(1) Sales between two members of the same class are permissible, provided that the aggregate markup for all sales by any one class of seller shall not exceed the maximum per ton markup shown above, and the amount which a subsequent seller may add on resale is reduced or eliminated, as the case may be, by the amount of the markups taken by prior sellers of his class.

SEC. 6. *Increases for sacks.* The maximum price for the sale of domestic or imported alfalfa hay products, sacked or packaged, where the seller has furnished the sacks or packages, shall be the appropriate maximum price for a like sale in bulk, plus the reasonable market value of the sacks or packages used, not exceeding any maximum price for such sacks or packages at the time of the sale or delivery.

SEC. 7. *Sales of alfalfa hay products on the basis of a guaranteed minimum percentage of protein.* No person shall sell any alfalfa hay product, whether domestic or imported, except on the basis of a specified guaranteed minimum percentage of protein therein. If, upon analysis, a delivery falls short of the specified guarantee, the maximum price for such a lot shall be the maximum price that would have been applicable had the guarantee been fulfilled, less a differential determined by reference to the practice customarily followed by the trade in such situations prior to price control of alfalfa hay products.

SEC. 8. *Evasion.* The provisions of this revised regulation shall not be evaded whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of any commodity covered by this revised regulation, alone or in connection with any other commodity, or by way of commission, service, transportation or other charge, or discount, premium or other privilege or by tying agreement or other trade understanding or otherwise.

SEC. 9. *Records and reports.* (a) Every seller subject to this revised regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect his customary records including, if any, all bills, invoices and other documents relating to every sale or delivery of alfalfa hay products and documents necessary to the determination of grade and quality, after the effective date of this revised regulation.

(b) Upon demand every such seller shall submit such records to the Office of Price Administration and keep such further records as the Office of Price Administration may from time to time require.

SEC. 10. *Enforcement.* Persons violating any provision of this revised regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for treble damages, and criminal penalties, as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 11. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this revised regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 12. *Protests and petitions for amendment.* Any person desiring to file a protest against or seeking an amendment of any provisions of this regulation may do so in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

This revised regulation shall become effective February 28, 1944.

NOTE: The record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 22d day of February 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-2564; Filed, February 22, 1944; 11:39 a. m.]

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## PART 1355—LEAD

[RPS 69,[1] Amdt. 6]

### PRIMARY LEAD

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1355.9, paragraph (c) is amended by adding to the table of base prices contained therein a base price of 6.50 cents per pound for Bayfield, Wisconsin, so that the amended list of base points in Wisconsin will read as follows:

| Wisconsin: | *Cents* |
|---|---|
| Bayfield | 6.50 |
| Burlington | 6.40 |
| Kenosha | 6.40 |
| Milwaukee | 6.40 |
| New Glarus | 6.40 |
| New London | 6.40 |

This amendment shall become effective February 22, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of February 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-2565; Filed, February 22, 1944; 11:40 a. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1339, 2278, 2997; 8 F.R. 612, 3048, 12314.

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 465,[1] Correction]

USED PRESSURE VESSELS AND USED ENCLOSED ATMOSPHERIC PRESSURE VESSELS

Maximum Price Regulation 465 is corrected in the following respects:

1. In the table entitled "From And Not Including 3'–0", To And Including 4'–0" (Diameter)", which appears in Appendix A, the price of $214. listed for a reconditioned vessel 14' to 16' in length with a ⅜" shell and 7/16" heads, is corrected to read $244.

2. In the table entitled "From And Not Including 5'–0", To And Including 6'–0" (Diameter)", which appears in Appendix A, the price of $342. listed for an as is vessel 18' to 20' in length with a ½" shell and ½" heads, is corrected to read $347.

3. In the table entitled "From And Not Including 6'–0", To And Including 7'–0" (Diameter)", which appears in Appendix A, the price of $347, listed for an as is vessel 12' to 14' in length with a ¼" shell and ¼" heads, is corrected to read $245.

4. In the table entitled "From And Not Including 6'–0", To And Including 7'–0" (Diameter)", which appears in Appendix A, the price of $547. listed for an as is vessel 26' to 28' in length with a ⅜" shell and ⅜" heads, is corrected to read $542.

5. In the table entitled "From And Not Including 7'–0", To And Including 8'–0" (Diameter)", which appears in Appendix A, the price of $388. listed for an as is vessel 12' to 14' in length with a ⅜" shell and ⅜" heads, is corrected to read $380.

6. In the table entitled "From And Not Including 7'–0", To And Including 8'–0" (Diameter)", which appears in Appendix A, the price of $658. listed for an as is vessel 32' to 34' in length with a ⅜" shell and ⅜" heads, is corrected to read $688.

7. In the table entitled "From And Not Including 10'–0", To And Including 10'–6" (Diameter)", which appears in Appendix A, the price of $775. listed for a reconditioned and guaranteed vessel 30' to 32' in length with a 5/16" shell and 5/16" heads, is corrected to read $795.

8. In the table entitled "From And Not Including 10'–0", To And Including 10'–6" (Diameter)", which appears in Appendix A, the price of $1039. listed for a reconditioned and guaranteed vessel 16' to 18' in length with a ½" shell and ½" heads, is corrected to read $1029.

9. In the table entitled "From And Not Including 10'–6", To And Including 11'–0" (Diameter)", which appears in Appendix A, the price of $1299. listed for a reconditioned and guaranteed vessel 20' to 22' in length with a ½" shell and ½" heads, is corrected to read $1199.

10. In the table entitled "From And Not Including 10'–6", To And Including 11'–0" (Diameter)", which appears in Appendix A, the price of $373. listed for an as is vessel 16' to 18' in length with a 5/16" shell and ¼" heads, is corrected to read $393.

11. In the table entitled "From And Not Including 10'–6", To And Including 11'–0" (Diameter)", which appears in Appendix A, the price of $1039. listed for a reconditioned and guaranteed vessel 26' to 28' in length with a ¼" shell and 5/16" heads, is corrected to read $1003.

12. In the table entitled "From And Not Including 10'–6", To And Including 11'–0" (Diameter)", which appears in Appendix A, the price of $1449. listed for a reconditioned and guaranteed vessel 38' to 40' in length with a 5/16" shell and ⅜" heads, is corrected to read $1499.

13. In the table entitled "From And Not Including 10'–6", To And Including 11'–0" (Diameter)", which appears in Appendix A, the price of $1777. listed for an as is vessel 40' to 42' in length with a 7/16" shell and 7/16" heads, is corrected to read $1177.

This correction shall become effective February 28, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of February 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-2560; Filed; February 22, 1944; 11:38 a. m.]

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PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 3 to 2d Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (e) (2) is added to read as follows:

(2) Blue stamps from War Ration Book Four:

(i) A8, B8, C8, D8, and E8 may be used from February 27, to May 20, 1944, inclusive.

This amendment shall become effective February 26, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 22d day of February 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-2567; Filed, February 22, 1944; 11:39 a. m.]

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PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[2] Amdt. 12 to Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (e) is amended to read as follows:

(e) The following are the periods (referred to in sections 2.3 (b) and 10.4 (g) of Ration Order 16) during which stamps may be used by consumers:

(1) Brown stamps from War Ration Book Three:

| Stamps lettered: | *Validity period (both dates included)* |
|---|---|
| R | Dec. 23, 1943 to Jan. 29, 1944 |
| S | Jan. 2 to Jan. 23, 1944 |
| T | Jan. 9 to Jan. 29, 1944 |
| U | Jan. 16 to Jan. 29, 1944 |
| V | Jan. 23 to Feb. 26, 1944 |
| W | Jan. 30 to Feb. 26, 1944 |
| X | Feb. 6 to Feb. 26, 1944 |
| Y | Feb. 13 to Mar. 20, 1944 |
| Z | Feb. 20 to Mar. 20, 1944 |

(2) Red stamps from War Ration Book Four:

(i) A8, B8, and C8 may be used from February 27 to May 20, 1944, inclusive.

(ii) D8, E8, and F8 may be used from March 12 to May 20, 1944, inclusive.

(3) Red stamps numbered 8 from A to M, inclusive, in War Ration Book Four may be given up by consumers and accepted by primary distributors under the provisions of section 3.2 (a) of Ration Order 16.

This amendment shall become effective February 26, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 22d day of February 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-2563; Filed, February 22, 1944; 11:39 a. m.]

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PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Corr. to Amdt. 18]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

Amendment 18 to Maximum Price Regulation 426, adding Appendix H of section 15, is corrected in the following respects:

1. In paragraph (a) the phrase "green peppers" is corrected to read "sweet peppers".

2. The last sentence of the first paragraph of paragraph (a) is corrected to read "It supersedes the provisions of Maximum Price Regulation No. 376[2] (except as otherwise provided) which affect listed commodities and the provisions of all regional and district orders issued under that regulation which affect listed commodities."

3. In Column 6 of Table 1 of paragraph (b) the word "Centre" is corrected to read "Centro".

4. In Column 6 of Table 3 of paragraph (b) the phrase "Maximum price above (item 1) divided by 26." is corrected to

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[1] 8 F.R. 12625, 16170; 9 F.R. 287.

[1] 9 F.R. 173, 903, 1181.

[2] 8 F.R. 16834, 16893, 17278, 17306, 17372; 9 F.R. 105, 184, 731, 1181.

[1] 8 F.R. 16409, 16234, 16519, 16423, 17372; 9 F.R. 780, 902.

read "Maximum price above (item 1) divided by 28."

5. In Column 6 of Table 5 of paragraph (b) the phrase "$5.40 plus freight (including 3% transportation tax) from Fort Myers, Florida plus 11 cents protective services.²" is corrected to read "$3.40 plus freight (including 3% transportation tax) from Fort Myers, Florida plus 11 cents protective services.²"

6. In Column 6 of Table 5 of paragraph (b) the phrase "$2.30 plus freight (including 3H transportation tax) from Fort Myers, Florida plus 8 cents protective services.²" is corrected to read "$2.30 plus freight (including 3% transportation tax) from Fort Myers, Florida plus 8 cents protective services.²"

7. In Column 6 of Table 7 of paragraph (b) the phrase "Col. 5 price plus freight (including 3% transportation tax) from Wachula, Fla. plus 10 cents protective services[1] for all markets east of and including Chicago, Ill.; and from Chula Vista, Calif. plus 10 cents for all markets west of Chicago, Ill." is corrected to read "Col. 5 price plus freight (including 3% transportation tax) from Wachula, Florida plus 10 cents protective services[1] for all markets east of and including Chicago, Illinois; and from Chula Vista, California plus 10 cents for all markets west of Chicago, Illinois."

8. In Column 3 of the table in paragraph (c) the phrase "La crate" is corrected to read "L. A. crate".

9. In Column 5 of the table in paragraph (c) the figure "$0.11" is corrected to read "$0.40".

10. In Column 7 of the table in paragraph (c) the phrase "carlots receivers" is corrected to read "carlot receivers".

11. In the last undesignated paragraph of paragraph (d) (1) the word "price" is corrected to read "priced".

12. Paragraph (e) (i) is redesignated (e) (1) and is corrected to read "(1) If any person other than a grower or country shipper purchases and resells a listed commodity in unbroken carlots or trucklots, the maximum price in each case is the maximum price, f. o. b. country shipping point, or the maximum delivered price, as the case may be, in the applicable table in paragraph (b) plus the markup named in Column 6 of the table in paragraph (c)."

13. The first sentence following the headnote of paragraph (f) is corrected to read "The authority delegated by sections 2 (a) and 2 (b) of this regulation to the regional and district offices does not apply to the listed commodities covered by this appendix."

14. The last word of paragraph (f) (3) is corrected to read "receivers".

This correction shall become effective as of January 31, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of February 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44-2569; Filed, February 22, 1944; 11:38 a. m.]

## TITLE 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

### PART 1—RULES OF PRACTICE AND PROCEDURE

#### COOPERATION WITH STATE COMMISSIONS

The Commission on February 16, 1944, effective March 18, 1944, deleted § 1.451 *Applications under section 214.*

Effective immediately, the Commission adopted as Appendix No. 5 to Part 1, the following:

A PLAN OF CO-OPERATIVE PROCEDURE IN MATTERS AND CASES UNDER THE PROVISIONS OF SECTION 410 OF THE COMMUNICATIONS ACT OF 1934

(Approved by the Federal Communications Commission October 25, 1938, and approved by the National Association of Railroad and Utilities Commissioners on November 17, 1938)

PRELIMINARY STATEMENT CONCERNING THE PURPOSE AND EFFECT OF THE PLAN

Section 410 of the Communications Act of 1934 authorizes co-operation between the Federal Communications Commission, hereinafter called the Federal Commission, and the State Commissions of the several states, in the administration of said Act. Subsection (a) authorizes the reference of any matter arising in the administration of said Act to a board to be composed of a member or members from each of the States in which the wire, or radio communication affected by or involved in the proceeding takes place, or is proposed. Subsection (b) authorizes conferences by the Federal Commission with State commissions regarding the relationship between rate structures, accounts, charges, practices, classifications, and regulations of carriers subject to the jurisdiction of such State commissions and of said Federal Commission and joint hearings with State commissions in connection with any matter with respect to which the Federal Commission is authorized to act.

Obviously, it is impossible to determine in advance what matters should be the subject of a conference, what matters should be referred to a board, and what matters should be heard at a joint hearing of State commissions and the Federal Commission. It is understood, therefore, that the Federal Commission or any State commission will freely suggest co-operation with respect to any proceeding or matter affecting any carrier subject to the jurisdiction of said Federal Commission and of a State commission, and concerning which it is believed that co-operation will be in the public interest.

To enable this to be done, whenever a proceeding shall be instituted before any commission, Federal or State, in which another commission is believed to be interested, notice should be promptly given each such interested commission by the commission before which the proceeding has been instituted. Inasmuch, however, as failure to give notice as contemplated by the provisions of this plan will sometimes occur purely through inadvertence, any such failure should not operate to deter any commission from suggesting that any such proceeding be made the subject matter of co-operative action, if co-operation therein is deemed desirable.

It is understood that each commission, whether or not represented in the National Association of Railroad and Utilities Commissioners, must determine its own course of action with respect to any proceeding in the light of the law under which, at any given time, it is called upon to act, and must be guided by its own views of public policy; and that no action taken by such Association can in any respect prejudice such freedom of action. The approval by the Association of this plan of co-operative procedure, which was jointly prepared by the Association's standing Committee on Co-operation between Federal and State Commissions and said Federal Commission, is accordingly recommendatory only; but such plan is designed to be, and it is believed that it will be, a helpful step in the promotion of co-operative relations between the State commissions and said Federal Commission.

NOTICE OF INSTITUTION OF PROCEEDINGS

Whenever there shall be instituted before the Federal Commission any proceeding involving the rates of any telephone or telegraph carrier the State commissions of the States affected thereby will be notified immediately thereof by the Federal Commission, and each notice given a State commission will advise such commission that, if it deems the proceeding one which should be considered under the co-operative provisions of the Act, it should either directly or through the National Association of Railroad and Utilities Commissioners, notify the Federal Commission as to the nature of its interest in said matter and request a conference, the creation of a joint board, or a joint hearing as may be desired, indicating its preference and the reasons therefor. Upon receipt of such request the Federal Commission will consider the same and may confer with the commission making the request and with other interested commissions, or with representatives of the National Association of Railroad and Utilities Commissioners, in such manner as may be most suitable; and, if co-operation shall appear to be practicable and desirable, shall so advise each interested State commission, directly, when such co-operation will be by joint conference, or by reference to a joint board appointed under said section 410 (a), and, as hereinafter provided, when such co-operation will be by a joint hearing under said section 410 (b).

Each State commission should in like manner notify the Federal Commission of any proceeding instituted before it involving the toll telephone rates or the telegraph rates of any carrier subject to the jurisdiction of the Federal Commission.

PROCEDURE GOVERNING JOINT CONFERENCES

The Federal Commission, in accordance with the indicated procedure, will confer with any State commission regarding any matter relating to the regulation of public utilities subject to the jurisdiction of either commission. The commission desiring a conference upon any such matter should notify the other without delay, and thereupon the Federal Commission will promptly arrange for a conference in which all interested State commissions will be invited to be present.

PROCEDURE GOVERNING MATTERS REFERRED TO A BOARD

Whenever the Federal Commission, either upon its own motion or upon the suggestion of a State commission, or at the request of any interested party, shall determine that it is desirable to refer a matter arising in the administration of the Communications Act of 1934 to a board to be composed of a member or members from the State or States affected or to be affected by such matter, the procedure shall be as follows:

The Federal Commission will send a request to each interested State commission to nominate a specified number of members to serve on such board.

The representation of each State concerned shall be equal, unless one or more of the States affected chooses to waive such right of equal representation. When the member

or members of any board have been nominated and appointed, in accordance with the provisions of the Communications Act of 1934, the Federal Commission will make an order referring the particular matter to such board, and such order shall fix the time and place of hearing, define the force and effect the action of the board shall have, and the manner in which its proceedings shall be conducted. The rules of practice and procedure, as from time to time adopted or prescribed by the Federal Commission, shall govern such board, as far as applicable.

PROCEDURE GOVERNING JOINT HEARINGS

Whenever the Federal Commission, either upon its own motion or upon suggestions made by or on behalf of any interested State commission or commissions, shall determine that a joint hearing under said Section 410 (b) is desirable in connection with any matter pending before said Federal Commission, the procedure shall be as follows:

(a) The Federal Commission will notify the General Solicitor of the National Association of Railroad and Utilities Commissioners that said Association, or, if not more than 8 States are within the territory affected by the proceeding, the State commissions interested, are invited to name Co-operating Commissioners to sit with the Federal Commission for the hearing and consideration of said proceeding.

(b) Upon receipt of any notice from said Federal Commission inviting co-operation, if not more than 8 States are involved, the General Solicitor shall at once advise the State commissions of said States, they being represented in the membership of the Association, of the receipt of such notice, and shall request each such commission to give advice to him in writing, before a date to be indicated by him in his communication requesting such advice (1) whether such commission will co-operate in said proceeding, (2) if it will, by what commissioner it will be represented therein.

(c) Upon the basis of replies received, the General Solicitor shall advise the Federal Commission what States, if any, are desirous of making the proceeding co-operative and by what commissioners they will be represented, and he shall give like advice to each State commission interested therein.

(d) If more than 8 States are interested in the proceeding, because within territory for which rates will be under consideration therein, the General Solicitor shall advise the President of the Association that the Association is invited to name a Co-operating Committee of State Commissioners representing the States interested in said proceeding.

The President of the Association shall thereupon advise the General Solicitor in writing (1) whether the invitation is accepted on behalf of the Association, and (2) the names of commissioners selected to sit as a Co-operating Committee. The President of the Association shall have authority to accept or to decline said invitation for the Association, and to determine the number of commissioners who shall be named on the Co-operating Committee, provided that his action shall be concurred in by the Chairman of the Association's Executive Committee. In the event of any failure of the President of the Association and Chairman of its Executive Committee to agree, the Second Vice-President of the Association (or the Chairman of its Committee on Co-operation between State and Federal Commissions, if there shall be no Second Vice-President) shall be consulted, and the majority opinion of the three shall prevail. Consultations and expressions of opinion may be by mail or telegraph.

(e) If any proceeding, involving more than 8 States, is pending before the Federal Commission, in which co-operation has not been invited by that Commission, which the Association's President and the First and Second Vice-Presidents, or any two of them, consider should be made a co-operating proceeding, they may instruct the General Solicitor to suggest to the Federal Commission that the proceeding be made a co-operative proceeding; and any State commission considering that said proceeding should be made co-operative may request the President of the Association or the Chairman of its Executive Committee to make such suggestion after consideration with the Executive Officers above named. If said Federal Commission shall assent to the suggestion, made as aforesaid, the President of the Association shall have the same authority to proceed, and shall proceed in the appointment of a Co-operating Committee, as is provided in other cases involving more than 8 States, wherein the Federal Commission has invited co-operation, and the invitation has been accepted.

(f) Whenever any case is pending before the Federal Commission involving 8 States or less, which a commission of any of said States considers should be made co-operative, such commission, either directly or through the General Solicitor of the Association, may suggest to the Federal Commission that the proceeding be made co-operative. If said Federal Commission accedes to such suggestion, it will notify the General Solicitor of the Association to that effect and thereupon the General Solicitor shall proceed as is provided in such case when the invitation has been made by the Federal Commission without State commission suggestion.

APPOINTMENT OF CO-OPERATING COMMISSIONERS BY THE PRESIDENT

In the appointment of any Co-operating Committee, the President of the Association shall make appointments only from commissions of the State interested in the particular proceeding in which the Committee is to serve. He shall exercise his best judgment to select co-operating commissioners who are especially qualified to serve upon Co-operating Committees by reason of their ability and fitness; and in no case shall he appoint a commissioner upon a Co-operating Committee until he shall have been advised by such commissioner that it will be practicable for him to attend the hearings in the proceeding in which the Committee is to serve, including the arguments therein, and the co-operative conferences which may be held following the submission of the proceeding, to an extent that will reasonably enable him to be informed upon the issues in the proceeding and to form a reasonable judgment in the matters to be determined.

TENURE OF CO-OPERATORS

(a) No State commissioner shall sit in a co-operative proceeding under this plan except a commissioner who has been selected by his commission to represent it in a proceeding involving 8 States or less, or has been selected by the President of the Association to sit in a case involving more than 8 States, in the manner hereinbefore provided.

(b) A commissioner who has been selected, as hereinbefore provided, to serve as a member of a Co-operating Committee in any proceeding, shall without further appointment, and without regard to the duration of time involved, continue to serve in said proceeding until the final disposition thereof, including hearings and conferences after any order or reopening, provided that he shall continue to be a State commissioner.

(c) No member of a Co-operating Committee shall have any right or authority to designate another commissioner to serve in his place at any hearing or conference in any proceeding in which he has been appointed to serve.

(d) Should a vacancy occur upon any Co-operating Committee, in a proceeding involving more than 8 States, by reason of the death of any co-operating commissioner, or of his ceasing to be a State commissioner, or of other inability to serve, it shall be the duty of the President of the Association to fill the vacancy by appointment, if, after communication with the Chairman of the Co-operating Committee, it be deemed necessary to fill such vacancy.

(e) In the event of any such vacancy occurring upon a Co-operating Committee involving not more than 8 States, the vacancy shall be filled by the commission from which the vacancy occurs.

CO-OPERATING COMMITTEE TO DETERMINE RESPECTING ANY REPORT OR STATEMENT OF ITS ATTITUDE

(a) Whenever a co-operative committee shall have concluded its work, or shall deem such course advisable, the committee shall consider whether it is necessary and desirable to make a report to the interested State commissions, and, if it shall determine to make a report, it shall cause the same to be distributed through the Secretary of the Association, or through the General Solicitor to all interested commissions.

(b) If a report of the Federal Commission will accompany any order to be made in said proceeding, the Federal Commission will state therein the concurrence or non-concurrence of said Co-operating Committee in the decision or order of said Federal Commission.

CONSTRUCTION HEREOF IN CERTAIN RESPECTS EXPRESSLY PROVIDED

It is understood and provided that no State or States shall be deprived of the right of participation and co-operation as hereinbefore provided because of non-membership in the Association. With respect to any such State or States, all negotiations herein specified to be carried on between the Federal Commission and any officer of such Association shall be conducted by the Federal Commission directly with the Chairman of the Commission of such State or States.

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i))

By the Commission,

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 44-2522; Filed, February 21, 1944; 12:10 p. m.]

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## PART 63—RULES RELATING TO SECTION 214

EXTENSION OF LINES, CONSTRUCTION OF NEW LINES, ETC.

The Commission on February 16, 1944, effective March 18, 1944, adopted Part 63, Rules Relating to section 214:

EXTENSIONS AND SUPPLEMENTS

Sec.

GENERAL PROVISIONS RELATING TO ALL APPLICATIONS UNDER SECTION 214

Sec.
63.51 Additional information.
63.52 Copies required.
63.53 Form.
63.54 Reports required.

AUTHORITY: §§ 63.01 to 63.54, inclusive, issued under sec. 4 (i), 48 Stat. 1066; 47 U. S. C. 154 (i); sec. 214, 48 Stat. 1075; 47 U. S. C. 214.

EXTENSIONS AND SUPPLEMENTS

§ 63.01 *Contents of applications.* Except as otherwise provided in this part, any person proposing to undertake any construction of a new line, extension of any line, acquisition or operation of any line or extension thereof, for which authority is required under the provisions of section 214 of the Communications Act of 1934, as amended, shall request such authority by formal application containing the following information:

(a) The name and address of each applicant;

(b) The Government, State, or Territory under the laws of which each corporate applicant is organized;

(c) The name, title, and post office address of the officer to whom correspondence concerning the application is to be addressed:

(d) A statement as to whether the applicant is a carrier subject to section 214 of the act or will become such a carrier as a result of the proposed construction, acquisition or operation;

(e) A statement as to whether the facilities covered by the application will be used to extend service into territory at present not directly served by the applicant or to supplement existing facilities of the applicant and as to whether such facilities will be used for telephone or telegraph service or both;

(f) The points between which the proposed facilities are to be located;

(g) A description of applicant's existing facilities between these points, showing specifically the total number of channels presently provided between major points on each principal route;

(h) A description of the facilities for which authority is requested, including:

(1) The number of channels of each type to be provided by such facilities;

(2) The number, if any, of wires, conductors and coaxial units of each type (not equipped for immediate operation) capable of providing additional channels of communication only by the construction of additional apparatus, equipment, or other facilities;

(3) The type or classes of toll telephone or telegram offices to be established; if telegraph offices are to be established describe pick-up and delivery service to be provided;

(i) (1) Applicant's present and estimated future communication channel requirements, both for the route of the proposed facilities and for routes from which any rerouting to the route of the proposed facilities is contemplated within the period of the estimate;

(2) A map or sketch showing:

(i) Route of proposed project;

(ii) Type and ownership of structures (open wire, aerial cable, underground cable, carrier systems, etc.);

(iii) Facilities, if any, to be removed;

(iv) Cities, towns, and villages along routes indicated on map or sketch, with approximate population of each, and route mileage between the principal points;

(v) Location of important operating centers, and repeater or relay points;

(vi) State boundary lines through which the proposed facilities will extend;

(vii) Topographical features which may require special consideration or entail added cost;

(j) One or more of the following statements, as pertinent:

(1) If proposed facilities are to be constructed, the details thereof, including summary of cost estimates separately by Plant Accounts affected, (in case of construction by or for two or more parties, the quantities of facilities of each kind acquired by each and the cost attributed thereto), quantities and cost of major materials; and amount of labor and cost thereof;

(2) If proposed facilities are to be leased, the details thereof, including the name of the lessor, a summary of the terms of the lease arrangements (or a copy of the lease), the anticipated lease rental, setting up charges, added equipment costs, and each other added cost to the applicant;

(3) If proposed facilities are to be purchased, the name of the vendor, a detailed description of all the properties involved including assets other than plant being acquired in connection with the same transaction, a complete description of the contractual arrangements relating to the sale or a copy of the contract; added equipment cost and each other added cost to the applicant; a statement of the original cost of, and the related reserve requirement for depreciation applicable to, the plant to be acquired (with a full explanation of the manner in which these amounts were determined) including, when appropriate, a separate statement of such amounts applicable to duplicate or other plant which will be retired by the vendee in the reconstruction of the acquired property or its consolidation with previously owned property; and a statement of the estimated annual savings in expenses expected to result from the proposed acquisition;

(4) If facilities are to be acquired or operated other than by lease or purchase, a detailed description of the facilities involved; the terms of the contract or other arrangement relating to such acquisition or operation; added equipment costs; and each other added cost to the applicant;

(k) A summary of the factors showing the public need for the proposed facilities:

(l) Economic justification for the proposed project including, where the application involves an extension into new territory at present not directly served by the applicant, estimated added revenues and costs and the basis therefor.

(m) Description of the manner and means by which interstate and foreign communication services of a similar character are now being rendered by the applicant and others in the area to be served by the proposed facilities, including reasons why existing facilities are inadequate.

(n) Proposed tariff charges and regulations.

(o) A statement of the accounting proposed to be performed in connection with the project. If the facilities are to be acquired by purchase, such proposed accounting shall be presented in journal entry form (on an estimated basis if actual amounts are not available), together with a full explanation of the manner in which the respective amounts were determined:

§ 63.02 *Special provisions relating to extensions involving small projects.* Applications involving extension of service into territory at present not directly served by the applicant by the construction, acquisition or operation of facilities the cost of which to the applicant does not exceed $10,000, or the annual rental of which does not exceed $2,500, may omit the information called for by § 63.01, paragraphs (h) (1) and (2), (i) and (j) (1) but in lieu of such information shall contain a general description of such facilities and, if construction is involved, an estimate of the total construction cost thereof to the applicant.

§ 63.03 *Special provisions relating to small projects for supplementing of facilities.* (a) Applications for the supplementing of existing facilities, involving an estimated construction cost not exceeding $50,000 or an annual rental not exceeding $5,000, may be made by letter to the Commission not less than 15 days prior to the acquisition or commencement of construction of the facilities involved. Such application shall contain the following information:

(1) The points between which the proposed facilities are to be located;

(2) A statement as to whether such facilities are to be used for telephone or telegraph service or both;

(3) The need for the proposed construction, acquisition or operation;

(4) A description of the proposed facilities giving the number of each type of communication channel to be provided thereby;

(5) The estimated cost of the proposed facilities;

(6) The route mileage involved in the project;

(7) The accounting to be performed by such carrier with respect to the proposed construction, acquisition or operation;

(b) Such supplementing of facilities shall be deemed to have been authorized by the Commission effective as of the 15th day following the date of filing of such applications unless on or before such 15th day, the Commission shall notify the applicant to the contrary.

§ 63.04 *Special provisions relating to temporary or emergency service.* Requests for immediate authority for temporary service for a period not exceeding four months, or for emergency service, may be made by letter or telegram setting forth why such immediate authority is required, the nature of the emergency, the type of facilities proposed to be used, the route mileage thereof, the termini,

the points to be served, how these points are presently being served by the applicant or other carriers, the need for the proposed service, the cost involved, including rentals, the date on which the service is to begin and, where known, the date or approximate date on which the service is to terminate.

§ 63.05 *Commencement and completion of construction.* Unless otherwise determined by the Commission upon proper showing in any particular case, in the event construction shall not have been begun upon a project involving an expenditure of more than $50,000 within 6 months from the date of the Commission's authorization, or construction of such project shall not have been completed and the facilities placed in operation within 18 months after such date, such authorization shall terminate at the end of such 6 or 18 month period, as the case may be; in the case of projects involving an expenditure of $50,000 or less, the authorization therefor shall terminate at the end of 3 months or 12 months, as the case may be, in the event construction thereof shall not have been commenced, or completed and the facilities placed in operation, within such respective periods.

§ 63.06 *Authority for supplementing facilities under approved annual program plan.* Any carrier may submit to the Commission a procedure, pursuant to which such carrier proposes to request authority covering an annual program of projects for the supplementing of its existing facilities. After approval of such proposed procedure by the Commission, such carrier may request such authority in accordance with such procedure in lieu of filing separate applications for individual projects pursuant to §§ 63.01 and 63.02.

GENERAL PROVISIONS RELATING TO ALL APPLICATIONS UNDER SECTION 214

§ 63.51 *Additional information.* The applicant shall furnish any additional information which the Commission may require after a preliminary examination of the application or request.

§ 63.52 *Copies required.* The Commission shall be furnished with the number of copies of applications required by § 1.491 of the rules and regulations: *Provided, however,* That two additional copies shall be furnished for every additional state involved.

§ 63.53 *Form.* Applications shall be in the form prescribed by § 1.131, except that impressions may be made on both sides of paper.

§ 63.54 *Reports required.* Within ten days after any line authorized to be constructed, acquired, or operated has been put into service the Commission shall be advised of the date thereof; and the Commission shall be notified promptly of any variation in actual cost of construction projects amounting to more than 10 percent of the estimated amounts stated in the application, with an explanation thereof.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 44-2523; Filed, February 21, 1944; 12:10 p. m.]

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## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

[S. O. 155-A]

PART 95—CAR SERVICE

RETOP ICING AT LARAMIE, WYO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of February, A. D. 1944.

Upon further consideration of Service Order No. 155 (8 F.R. 13193) of September 23, 1943, and good cause appearing therefor: *It is ordered,* That:

Service Order No. 155 of September 23, 1943, (49 CFR 95.320; 8 F.R. 13193) prohibiting retop icing at Laramie, Wyoming, on the Union Pacific Railroad Company, be, and it is hereby, vacated and set aside. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

*It is further ordered,* That this order shall become effective at 12:01 a. m., February 22, 1944; that a copy of this order and direction shall be served upon the Union Pacific Railroad Company and the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44-2548; Filed, February 23, 1944; 10:59 a. m.]

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[S. O. 180, Amdt. 2]

PART 95—CAR SERVICE

DEMURRAGE CHARGES FOR STORAGE IN REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of February, A. D. 1944.

It appearing that storage charges and not demurrage charges are applicable, at many Atlantic Coast ports, in the United States, on freight held in refrigerator cars at or short of such ports, consigned or reconsigned for export, coastwise or intercoastal movement, and that the demurrage charges prescribed in Service Order No. 180 (9 F.R. 1593) of February 5, 1944, as suspended by Service Order No. 180-A (9 F.R. 1679-80) of February 10, 1944, as amended (9 F.R. 1827) are not applicable to such traffic; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of railroad equipment and congestion of traffic: *It is ordered,* That:

Service Order No. 180 (9 F.R. 1593) of February 5, 1944, as suspended by Service Order No. 180-A (9 F.R. 1679-80) of February 10, 1944, as amended (9 F.R. 1827) be, and it is hereby, further amended by changing the caption to subparagraph (2) paragraph (b) of Amendment No. 1 to Service Order No. 180 (9 F.R. 1827) to read Intrastate and by adding a subparagraph (5) to paragraph (b) of Amendment No. 1 reading as follows to § 95.330:

(5) *Demurrage charges substituted for charges for storage of freight in refrigerator cars.* (i) The operation of all tariff rules, regulations, and charges for storage of freight in refrigerator cars at or short of ports consigned or reconsigned for export, coastwise or intercoastal movement is suspended insofar as inconsistent with this order.

(ii) In lieu of the charges for storage of freight in refrigerator cars at or short of ports suspended in subparagraph (5) (i) above, the applicable charges for detention of refrigerator cars held at or short of ports for unloading freight consigned or reconsigned for export, coastwise or intercoastal movement shall be the demurrage charges prescribed in paragraph (a) of this section. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

*It is further ordered,* That this order shall become effective February 23, 1944, and that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44-2549; Filed, February 22, 1944; 10:59 a. m.]

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[S. O. 183]

PART 95—CAR SERVICE

REDUCTION IN FREE TIME BEFORE ASSESSMENT OF CHARGES

At a session of the Interstate Commerce Commission, Division 3, held at

its office in Washington, D. C., on the 18th day of February, A. D. 1944.

It appearing that freight cars (including refrigerator cars), loaded with freight for export, coastwise or intercoastal movement, are being held unnecessarily at North Atlantic ports (Hampton Roads, Virginia, and north) and Pacific Coast ports, thus impeding and diminishing the use, control, supply, movement, distribution, exchange, interchange, and return of cars; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of cars and congestion of traffic: *It is ordered,* That:

§ 95.503 (a) *Definitions.* (1) The term "ports" as used in this section means the North Atlantic ports (Hampton Roads, Virginia, and north) and Pacific Coast ports in the United States.

(2) The term "freight cars" as used in this section shall include refrigerator cars.

(b) *Reduction in free time at or short of ports.* The operation of all tariff rules, regulations, and provisions, insofar as they authorize, or provide for free time in excess of seven (7) days (168 hours), prior to the assessment of demurrage or storage charges, on freight cars held at or short of ports for unloading freight consigned or reconsigned for export, coastwise or intercoastal movement is hereby suspended, except as provided in paragraph (c) of this section.

(c) *Exceptions.* The provisions of this order shall not be construed to apply to shipments of grain in bulk or to shipments of coal and coke.

(d) *Applicable charges.* After the expiration of said period of seven (7) days (168 hours) charges for demurrage or storage of freight in cars at or short of ports shall be as provided for application after expiration of free time authorized or provided by tariff lawfully on file with this Commission or as modified by effective or subsequently issued service orders of this Commission.

(e) *Application*—(1) *Free time.* In lieu of the periods of free time suspended in paragraph (b) of this section (except as provided in paragraph (c) of this section) the applicable free time (except where free time of seven (7) days (168 hours) or less is provided in tariffs) on traffic at ports shall be seven (7) days (168 hours).

(2) *Free time of seven days or less.* The provisions of this order shall not be construed to affect the free time provided in tariffs lawfully on file with this Commission where such periods of free time are less than that provided in paragraph (b) of this section.

(3) *Freight cars affected by order.* On or after the effective date of this order, the provisions of this order shall apply to detention to any freight car held for unloading at or short of any port mentioned herein for export, coastwise or intercoastal movement.

(4) *Intrastate and foreign traffic.* The provisions of this order shall apply to intrastate and foreign traffic as well as interstate traffic.

(f) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

*It is further ordered,* That this order shall become effective at 7:00 a. m., March 1, 1944; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc 44–2550; Filed, February 22, 1944; 10:59 a. m.]

## *Notices*

## TREASURY DEPARTMENT.

### Office of the Secretary.

### DECLARATION ON GOLD PURCHASES

On January 5, 1943, the United States and certain others of the United Nations issued a warning to all concerned, and in particular to persons in neutral countries, that they intend to do their utmost to defeat the methods of dispossession practiced by the governments with which they are at war against the countries and peoples who have been so wantonly assaulted and despoiled. Furthermore, it has been announced many times that one of the purposes of the financial and property controls of the United States Government is to prevent the liquidation in the United States of assets looted by the Axis through duress and conquest.

One of the particular methods of dispossession practiced by the Axis powers has been the illegal seizure of large amounts of gold belonging to the nations they have occupied and plundered. The Axis powers have purported to sell such looted gold to various countries which continue to maintain diplomatic and commercial relations with the Axis, such gold thereby providing an important source of foreign exchange to the Axis and enabling the Axis to obtain much-needed imports from these countries.

The United States Treasury has already taken measures designed to protect the assets of the invaded countries and to prevent the Axis from disposing of looted currencies, securities, and other looted assets on the world market. Similarly, the United States Government cannot in any way condone the policy of systematic plundering adopted by the Axis or participate in any way directly or indirectly in the unlawful disposition of looted gold.

In view of the foregoing facts and considerations, the United States Government formally declares that it does not and will not recognize the transference of title to the looted gold which the Axis at any time holds or has disposed of in world markets. It further declares that it will be the policy of the United States Treasury not to buy any gold presently located outside of the territorial limits of the United States from any country which has not broken relations with the Axis, or from any country which after the date of this announcement acquires gold from any country which has not broken relations with the Axis, unless and until the United States Treasury is fully satisfied that such gold is not gold which was acquired directly or indirectly from the Axis powers or is not gold which any such country has been or is enabled to release as a result of the acquisition of gold directly or indirectly from the Axis powers.

[SEAL] HENRY MORGENTHAU, Jr., *Secretary of the Treasury.*

FEBRUARY 22, 1944.

[F. R. Doc. 44–2579; Filed, February 22, 1944; 12:00 m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Order No. 116–A]

### RATES AND CHARGES FOR GOVERNMENT TELEGRAPH COMMUNICATIONS

In the matter of the applicability of the Post Roads Act of 1866, as amended, and Commission Order No. 116 to telegraph communications sent by Army post exchanges on official business.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of February 1944;

The Commission, having under consideration the petition filed January 10, 1944, by the Secretary of War alleging that The Western Union Telegraph Company has refused to accept and transmit telegraph communications of United States Army post exchanges relating exclusively to business of the exchanges at the rates prescribed for government telegrams in the Commission's Order No. 116 (8 F.R. 9165), requesting that the Commission order The Western Union Telegraph Company to accept and transmit such telegraph communications at the

rates prescribed in Commission Order No. 116, and any subsequent orders that may be issued under the Post Roads Act of 1866, as amended, and having also under consideration the Statement of The Western Union Telegraph Company, filed on January 20, 1944, with regard to its position in the matter; and

It appearing, that telegrams sent by United States Army exchanges relating exclusively to the official business of such exchanges or other public business are, and have been, entitled to be transmitted at the rates annually prescribed by the Commission for United States Government telegrams;

*It is ordered,* That telegrams sent by United States Army exchanges relating exclusively to the official business of such exchanges or other public business shall be accepted and transmitted by all carriers subject to Commission Order No. 116, at the rates prescribed by the Commission in Commission Order No. 116 and in the Commission's subsequent annual rate orders applicable to United States Government telegrams.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 44-2521; Filed, February 21, 1944; 12:10 p. m.]

## FEDERAL POWER COMMISSION.

[Docket Nos. G-220, G-402]

MONDAKOTA DEVELOPMENT CO. AND MONTANA-DAKOTA UTILITIES CO.

ORDER GRANTING REQUEST FOR POSTPONEMENT OF HEARING

FEBRUARY 19, 1944.

Mondakota Development Company v. Montana-Dakota Utilities Co.; in the matter of Montana-Dakota Utilities Co.

It appearing to the Commission that:

On February 17, 1944, Montana-Dakota Utilities Co., Respondent in the above proceedings, requested that the hearing to be held beginning on February 29, 1944, at 10:00 a. m., in Court Room No. 3, Third Floor, U. S. Court House, Minneapolis, Minnesota, be postponed for a period of not less than 120 days;

The Commission finds that:

Good cause has been shown for the granting of a postponement of approximately 60 days;

The Commission orders that:

The hearing now set for February 29, 1944, be postponed until May 3, 1944, at 10:00 a. m., in Court Room No. 3, Third Floor, U. S. Courthouse, Minneapolis, Minnesota.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 44-2546; Filed, February 22, 1944; 10:02 a. m.]

[Docket Nos. G-526, G-527]

CITIES SERVICE GAS CO., ET AL.

NOTICE OF APPLICATIONS

FEBRUARY 21, 1944.

In the matters of Cities Service Gas Company and Cities Service Transportation and Chemical Company and Cities Service Gas Company.

Notice is hereby given that on February 15, 1944, Cities Service Gas Company and Cities Service Transportation and Chemical Company filed with the Federal Power Commission the above designated applications for certificates of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended.

By its application in Docket No. G-526, Cities Service Gas Company seeks authority to construct and operate the following facilities:

(i) A cooling tower and miscellaneous equipment at its Blackwell compressor station near Blackwell, Kay County, Oklahoma, and

(ii) Thirty-five miles of 16-inch loop line from the Blackwell compressor station to Burbank, Osage County, Oklahoma.

The application in Docket No. G-527 was filed jointly by Cities Service Transportation and Chemical Company and Cities Service Gas Company. In this application, Cities Service Transportation and Chemical Company requests authority to construct and install seven additional 1,000 horsepower compressor units in its Guymon, Oklahoma, compressor station together with additional related facilities in the station and in the dehydration plant operated in connection therewith. Cities Service Gas Company seeks authorization to operate the aforesaid facilities, upon completion, pursuant to a proposed lease agreement between the joint applicants covering the Cities Service Transportation and Chemical Company's entire line with appurtenant facilities extending from Guymon compressor station in the Hugoton gas field eastward to the Blackwell compressor station.

Any person desiring to be heard or to make any protest with reference to these applications should, on or before March 8, 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's rules of practice and regulations.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 44-2547; Filed, February 22, 1944; 10:02 a. m.]

## FEDERAL TRADE COMMISSION.

[Docket No. 5131]

FUNSTEN CO., ET AL.

NOTICE OF HEARING

In the matter of James J. Funsten, an individual doing business as Funsten Company; San Xavier Fish Packing Company, a corporation; and Pacific Marine Products Company, a corporation.

The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, have violated and are now violating the provisions of subsection (c) of section 2 of the Clayton Act (U.S.C. Title 15, sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH ONE: Respondent James J. Funsten is an individual trading as Funsten Company, with his principal office and place of business located at 260 California Street, San Francisco, California (this respondent is hereinafter designated as Funsten Co.), is engaged, and for many years prior hereto has engaged, as the exclusive sales agent of two packing and canning corporations over which he, together with his wife, Florence Funsten, exercise financial control namely, the San Xavier Fish Packing Co. of Monterey, California, and the Pacific Marine Products Co. of Astoria, Oregon. The respondent sells and distributes exclusively for these two corporations canned salmon, tuna, sardines, fish oil and fish meal and other sea food products. Such commodities are hereinafter designated as sea food products.

PAR. TWO: Respondent San Xavier Fish Packing Company is a corporation organized and existing under the laws of the State of California, with its principal office and place of business located at Monterey, California. The respondent corporation is now engaged, and for many years prior hereto has engaged, in the business of packing, canning, distributing and selling food products. The respondent sells and distributes its sea food products through its exclusive sales agent, Funsten Company. Respondent James J. Funsten and respondent's wife, Florence Funsten, own a controlling stock in this corporation.

PAR. THREE: Respondent Pacific Marine Products Co. is a corporation organized and existing under the laws of the State of Oregon, with its principal office and place of business located at Astoria, Oregon. The respondent is now engaged, and for many years prior hereto has engaged, in the business of packing, canning, distributing and selling other sea food products, which it sells and distributes through its exclusive sales agent, Funsten Company. James J. Funsten and his wife, Florence Funsten, own a controlling stock interest in this corporation.

PAR. FOUR: The respondent San Xavier Fish Packing Company and Pacific Marine Products Company sell and distribute their sea food products exclusively through their sales agent, Funsten Co., but by two separate and distinct methods; first, through intermediaries who act as the respective respondents' agents in

negotiating the sale of their sea food products at respondents' price and terms, and for which services such intermediaries are customarily paid commissions or brokerage fees; second, the respondents sell their sea food products through the Funsten Co. directly to buyers on and for their own accounts. Some of such buyers designate themselves as brokers but are paid directly or indirectly on their own purchases of sea food products, commissions or brokerage fees, usually in the amount of 5 per cent of the net purchase price of the sea food products purchased.

Respondent Funsten Co. is paid by San Xavier Fish Packing Company and the Pacific Marien Products Company the sum of 10¢ per case for its services as sales agent in selling and distributing canned fish foods for and in behalf of the two respective corporations mentioned.

To distinguish their sea food products from the sea food products sold by competitors and to facilitate sales, each of the packer respondents utilizes registered and unregistered trade-marks and brands for the various sea food products it sells and distributes, which brands and trade-marks are generally known as packer's or seller's brands. Representative of such brands are: "Golden Eagle", "Silver Beauty", "Sierra", "San Xavier", "AAA", "Triple A", "Saloroc" and "Skipanon".

The respondents also sell their sea food products unlabeled or unbranded, and under the labels or brands of some of their buyers, which labels or brands are generally known to the trade as private buyer's brands.

Some of such buyers who utilize registered and unregistered private labels and brands incorrectly designate themselves as brokers. Such private brand buyers are primarily engaged in the purchase and sale of sea food products in their own names and for their own accounts.

PAR. FIVE: The respondents San Xavier Fish Packing Company and Pacific Marine Products Company in the course and conduct of their said business since June 19, 1936, have sold and distributed a substantial portion of their sea food products through their exclusive sales agent, Funsten Co., directly to buyers who are located in states other than the states in which the respective respondents are located, and as a result of said sales and the respective respondents' instructions such sea food products are shipped and transported across state lines to buyers who are located in the various states of the United States.

PAR. SIX: The respondent Funsten Co., as sales agent for San Xavier Fish Packing Company and Pacific Marine Products, since June 19, 1936, in connection with the interstate sale and distribution of sea food products for and on behalf of the said two respective respondent principals has sold said sea food products in its own name to numerous buyers, and has been and is now paying, or has paid or granted, directly or indirectly, to such buyers commissions, brokerage fees or other compensation or allowances, or discounts in lieu thereof, sometimes under respondents' own labels, sometimes unlabeled, and sometimes under their respective buyers' labels.

A representative, but by no means complete, list of buyers who since June 19, 1936, have purchased sea food products from the respondent for their own account and for resale, and who have received and accepted, and who are now receiving and accepting, from said seller respondents on their respective purchases of sea food products, directly or indirectly, commissions, brokerage fees or allowances and discounts in lieu of brokerage fees, is as follows:

William H. Stanley, Inc., New York, New York.

Griffith-Durney Company, San Francisco, California.

Walter M. Field & Company, San Francisco, California.

John T. Leonard, Charleston, South Carolina.

James A. Seley & Company, Los Angeles, California.

The respondent Funsten Co. customarily pays such buyers a commission or brokerage fee of 5 per cent of the net price of the sea food products purchased by them, and charges to and collects said commissioner brokerage fee from one or the other of the respective corporations whose product he has sold.

PAR. SEVEN: The paying and granting by respondents, San Xavier Fish Packing Company and Pacific Marine Products Company, directly or indirectly through their sales agent, respondent Funsten Co., and the transmission and payment by it, to the buyers of said sea food products, of commissions, brokerage or other compensation and allowance or discounts in lieu thereof on their own purchases, and the acts and practices of each of the respective respondents in promoting their sales of sea food products by such payments as set forth above, are in violation of subsection (c) of section 2 of the Clayton Act, as amended.

Wherefore, the premises considered, the Federal Trade Commission on this 15th day of February, A. D. 1944, issues its complaint against said respondents.

Notice is hereby given you, James J. Funsten, an individual doing business as Funsten Company; San Xavier Fish Packing Company, a corporation; and Pacific Marine Products Company, a corporation, respondents herein, that the 24th day of March, A. D., 1944, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

> In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.
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> * * * * *
>
> Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.
>
> If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.
>
> Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 15th day of February, A. D. 1944.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 44-2570; Filed, February 22, 1944; 11:45 a. m.]

## OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 3059]

YOSHIRO SHIBATA

In re: Interests in real property and fire insurance policies, and claims owned by Yoshiro Shibata.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Yoshiro Shibata is 874 Shimizu, Shimizu Shi, Shizuoka Ken, Japan, and that he is a resident of Japan and a national of a designated enemy country (Japan);

2. That Yoshiro Shibata is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. The undivided one-half interest in and to that certain real property situated in the City of Long Beach, County of Los Angeles, State of California, particularly described as Lot 3 in Block 7 of the Long Beach Harbor View Tract in the City of Long Beach, County of Los Angeles, State of California, as per map recorded in Book 3, page 56, of Maps in the office of the County Recorder of said county, together with all hereditaments, fixtures, improvements and appurtenances thereto and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of Yoshiro Shibata in and to Fire Insurance Policy No. DH-545863 issued by the New Zealand Insurance Company, and Fire Insurance Policy No. D-187707 issued by the Continental Fire Insurance Company, both of which policies insure the improvements to the real property referred to in subparagraph 3-a hereof,

c. All right, title, interest, and claim of any name or nature whatsoever of Yoshiro Shibata in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Yoshiro Shibata by Leah E. Gay, and represented on the books of said Leah E. Gay as a credit balance due Yoshiro Shibata, including but not limited to any and all security rights in and to any and all collateral for any or all of such obligations, and the right to enforce and collect such obligations, and

d. All right, title, interest and claim of any name or nature whatsoever of Yoshiro Shibata in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Yoshiro Shibata by Kumi Shibata, including but not limited to any and all security rights in and to any and all collateral for any or all of such obligations, and the right to enforce and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that the property described in subparagraphs 3-b, 3-c and 3-d hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3-b, 3-c and 3-d hereof,

All such property so vested, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 4, 1944.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 44-2476; Filed, February 21, 1944; 11:22 a. m.]

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[Vesting Order 3060]

LINA ROHR, ET AL.

In re: Real property and a property insurance policy owned by Lina Rohr, and others.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the persons whose names and last known addresses appear in Exhibit A, attached hereto and by reference made a part hereof, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the persons whose names and respective interests appear in Exhibit A, attached hereto and by reference made a part hereof, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Philadelphia County, Pennsylvania, particularly described in Exhibit B, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title and interest of the persons whose names and respective interests appear in Exhibit A, attached hereto and by reference made a part hereof, in and to a Public Liability Insurance policy which is included in Schedule Number 41 of Policy GLPL 566079, issued by the Employers Liability Assurance Corporation, Ltd., Independence Building, Philadelphia, 2, Pennsylvania, insuring the premises described in subparagraph 3-a hereof,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 3-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 4, 1944.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

EXHIBIT A

| *Names and last known addresses* | *Fractional interests* |
|---|---|
| Lina Rohr, Waiblingen, Germany | 1/6 |
| Berta Bauer, also known as Bertha Bauer, Bretten, Germany | 1/6 |
| Wilhelm Mayer, Eutingen, Germany | 1/6 |
| Marie Muller, Eutingen, Germany | 1/6 |
| Christiane Hardtner also known as Christiana Hardtner, Magstadt, Germany | 1/12 |
| Lina Haussmann, also known as Lina Haussman, Reutlingen, Germany | 1/12 |
| Anna Hummel, also known as Anna Hummell, Magstadt, Germany | 1/12 |
| Emma Henne, Vaihingen/Enz, Germany | 1/24 |
| Erwin Schmidt, Ludwigsburg, Germany | 1/24 |
| Hermann Schmidt, also known as Herrman Schmidt, Stuttgart, Germany | 1/24 |
| Martha Schmidt, Ludwigsburg, Germany | 1/24 |
| Kurt Schmidt, Kornwestheim, Germany | 1/24 |
| Karl Sigle, also known as Karl Sigel, Mainhardt (fruher Urach), Germany | 1/24 |

EXHIBIT B

All that certain Messuage or tenement and lot or piece of ground situate on the North Side of Cherry Street in the Square between Fourth Street and Fifth Street in the sixth ward of the city of Philadelphia Bounded and described as follows to wit:

Beginning on the north side of Cherry street at a corner of a lot of Ground Conveyed by Edward Garrigues and wife to Nathaniel Richardson thence extending by the said Richardson's lot the four next Following Courses and distances to wit Northwardly seventy three feet six inches westwardly five feet Northwardly Eight feet Six inches (partly by the west end of a four feet wide alley) and westwardly Twelve feet six inches to the line of a lot of ground Belonging to Henry Muhlenberg and Catharine His wife thence extending partly by the same and partly by the part of a twenty five feet wide Court left open by them across their lot Northwardly fifty two feet or thereabouts to the North line of the said Court thence along the coach Houses and lot of Ground Conveyed by the said Edward Garrigues and wife to Plunket F. Glentworth Eastwardly forty Nine feet and a half More or less to the Distance of one Hundred and Forty eight feet with the said Fourth Street at the aforesaid Distance from the same partly by the east End of the said Court and partly by the East side of a twelve feet wide alley along Ground of Daniel Dawson and others Southwardly One hundred and thirty Four feet More or less to Cherry street aforesaid thence extending by the said Cherry street westwardly about thirty two feet More or less to the place of Beginning.

[F. R. Doc. 44-2477; Filed, February 21, 1944; 11:22 a. m.]

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[Vesting Order 3061]

MICHAEL SIPULA

In re: Real property owned by Michael Sipula, also known as Sipula Mihaly.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Michael Sipula, also known as Sipula Mihaly, and "Mary Doe" Sipula, wife of said Michael Sipula, whose Christian name is not available, is Tompca Utca, Rimaszombat, Hungary, and that they are residents of Hungary and are nationals of a designated enemy country (Hungary);

2. That Michael Sipula, also known as Sipula Mihaly, is the owner of the property described in subparagraph 3 hereof, and "Mary Doe" Sipula, wife of said Michael Sipula, whose Christian name is not available, has an interest in said property consisting of her inchoate right of dower;

3. That the property described as follows:

a. Real property situated in the City of Pittsburgh, County of Allegeheny, Pennsylvania, particularly described in Exhibit A attached hereto and by reference made a part hereof, identified as the real property acquired by Michael Sipula, also known as Sipula Mihaly, as the heir and devisee of Helen Gyurovits, deceased, under her Last Will and Testament probated in the Orphans Court in and for Allegheny County, Pennsylvania, No. 5059 of the 1940 term, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of any kind, name, or nature whatsoever of Michael Sipula, also known as Sipula Mihaly, in, to, and under two agreements dated June 12, 1941 and August 5, 1942 executed by and between Henry Hobek, Attorney-in-fact for Michael Sipula, and Paul Teglassy, and an escrow agreement dated November 2, 1942 executed by and between said parties and Fidelity Trust Company, Pittsburgh, Pennsylvania, all relating to the sale of the real property described in subparagraph 3-a hereof, including but not limited to all security rights in and to all collateral for the performance of any and all obligations arising out of said agreements and the right to enforce and collect such obligations as well as the right to terminate such agreements as provided therein,

is property within the United States owned or controlled by a national of a designated enemy country (Hungary);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 3-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 4, 1944.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

EXHIBIT A

That certain tract or parcel of land situated in the County of Allegheny, State of Pennsylvania, more particularly described as follows:

That certain lot or piece of ground situate in the Fifteenth Ward of the City of Pittsburgh, being all of Lot No. 10 and the Southerly six and one-fourth (6¼) feet of Lot. No. 9 in St. Ann's Plan of Lots, recorded in the Recorder's Office of Allegheny County, in Plan Book, Vol. 29, pages 198 and 199, bounded and described as follows, to wit:

Beginning at a point on the Easterly side of Glenwood Avenue at the line dividing Lots Nos. 10 and 11 in said Plan; thence North 84°45' east along line dividing Lots Nos. 10 and 11, One hundred twenty-nine and 94/100 (129.94) feet to the Westerly side of Vargo Way; thence by line of said alley curving to the West, with a radius of Seventy-five and 65/100 (75.65) feet, Twenty-seven and 51/100 (27.51) feet to a point; thence still along said alley north 5°15' West Four and 36/100 (4.36) feet to a point; thence South 84°45' West and parallel with the line dividing Lots Nos. 9 and 10 in said Plan, One hundred and twenty-five (125) feet, more or less, to the Easterly side of Glenwood Avenue; thence along Glenwood Avenue South 5°15' East, Thirty-one and 25/100 (31.25) feet to the place of beginning.

Being part of the same premises which became vested in First Hungarian Reformed Church of Pittsburgh by deed of Pittsburgh St. Ann's Hungarian Roman Catholic Church Society, dated May 21st, 1924, and recorded in the Recorder's Office of Allegheny County in Deed Book Vol. 2231, Page 34.

[F. R. Doc. 44-2478; Filed, February 21, 1944; 11:22 a. m.]

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[Vesting Order 3063]

MARTHA KUECHENTHAL

In re: Real property, a claim, and property insurance policies owned by Martha Kuechenthal.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Martha Kuechenthal is Arnstrasse 3, Leipzig S 3, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That Martha Kuechenthal is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the City and County of Denver, State of Colorado, particularly described as Lot Ten (10) and the North One-half (N ½) of Lot Eleven (11) Block Seven (7), Waddell and Machen's Subdivision to the City and County of Denver, State of Colorado, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property, and

b. All right, title and interest of Martha Kuechenthal in and to personal liability insurance policy No. SB 3162, issued by the London Guaranty and Accident Company, Limited, and fire insurance policy No. 628451, issued by the Yorkshire Insurance Company, Limited, of York, England, insuring the premises described in subparagraph 3-a hereof, and

c. All right, title, interest and claim of any name or nature whatsoever of Martha Kuechenthal in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Martha Kuechenthal by the law firm of Schaetzel and Knight, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect such obligations.

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraphs 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3-b and 3-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof, in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 4, 1944.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 44-2479; Filed, February 21, 1944; 11:22 a. m.]

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[Vesting Order 3079]

HENRY F. SAUTER

In re: Estate of Henry F. Sauter, deceased. File D-28-7996; E. T. sec. 8902.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Ernest Bottman, Administrator, c. t. a., acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last known address*

August Sauter, Germany.
David Bottman, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of August Sauter and David Bottman, and each of them, in and to the estate of Henry F. Sauter, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 44-2480; Filed, February 21, 1944; 11:23 a. m.]

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[Vesting Order 3080]

OTMAR SCHELLENBERG

In re: Mortgage Participation Certificate for Otmar Schellenberg, #B-142,-168 of Series 180,442, issued by the Bond & Mortgage Guarantee Company. File F-28-2847; E. T. sec. 4894.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Brooklyn Trust Company, as Trustee, acting under the judicial supervision of the Supreme Court, Kings County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

*National and last known address*

Otmar Schellenberg, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or act or otherwise and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Otmar Schellenberg in and to income and proceeds of bond and mortgage participation certificate #B-142,163 in the amount of $1,000, issued in guarantee series #180,442 by the Bond & Mortgage Guarantee Company and being serviced by Brooklyn Trust Company of Brooklyn, New York, as Trustee,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 44–2481; Filed, February 21, 1944; 11:23 a. m.

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[Vesting Order 3031]

TAATJE SCHLUETER

In re: Estate of Taatje Schlueter, deceased. File D–28–3983; E. T. sec. 6900.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by James F. Bishop, 134 North La Salle Street, Chicago, Illinois, Administrator, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Cook;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Wumke Wumkes, Germany.
Johann Wumkes, Germany.
Margaretha T. Peters, Germany.
Aafka Kampen, Germany.
Weert Muller, Germany.
Antje de Buhr, Germany.
Brechtje de Vries, Germany.
Gretje Lindemann, Germany.
Herodina B. Lindemann, Germany.
Antje Janssen, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $624.14 which is in the process of administration by and is in the possession and custody of James F. Bishop, Administrator of the estate of Taatje Schlueter, deceased, also;

All right, title, interest and claim of any kind or character whatsoever of Wumke Wumkes, Johann Wumkes, Margaretha T. Peters, Aafka Kampen, Weert Muller, Antje de Buhr, Brechtje de Vries, Gretje Lindemann, Herodina B. Lindemann and Antje Janssen, and each of them, in and to the estate of Taatje Schlueter, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 44–2482; Filed, February 21, 1944; 11:23 a. m.]

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[Vesting Order 3032]

JOHN M. SCHREIBER

In re: Estate of John M. Schreiber, deceased. File D–34–609; E. T. sec. 7023.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Mrs. Ida Josephine Tremewan, Executrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of San Mateo;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Hungary, namely,

*National and Last Known Address*

Mrs. Martha Papp Josefne, Hungary.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Mrs. Martha Papp Josefne in and to the Estate of John M. Schreiber, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 44–2483; Filed, February 21, 1944; 11:23 a. m.]

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[Vesting Order 3033]

JOHN THOLE

In re: Estate of John Thole, deceased. D–28–7615; E. T. sec. 8021.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Otto Rupport, Executor, acting under the judicial supervision of the District Court of the United States for the District of Columbia;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals

of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Hans Thole, Germany.
Anton Thole, Germany.
Bernhard Ludden, Germany.

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Hans Thole, Anton Thole and Bernhard Ludden, and each of them, in and to the estate of John Thole, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 44–2484; Filed, February 21, 1944; 11:24 a. m.]

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[Vesting Order 3084]

ALBERT UNGER

In re: Mortgage Participation Certificate for Albert Unger, No. 15 of Series No. 267,864, issued by the Lawyers Title and Guaranty Company. File F–28–4556; E. T. sec. 3983.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Sterling National Bank and Trust Company trustee, acting under the judicial supervision of the Supreme Court, Kings County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

*National and Last Known Address*

Albert Unger, Cologne-Sulz Sulzgwertel-33 Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Albert Unger, in and to income and proceeds of bond and mortgage participation certificate No. 15, in the amount of $9800.00, issued in guarantee Series 267,864 by the Lawyers Title and Guaranty Company, and being serviced by the Sterling National Bank and Trust Company of New York,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 44–2485; Filed, February 21, 1944; 11:24 a. m.]

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[Vesting Order 3085]

JOHN D. WILKENS

In re: Estate of John D. Wilkens, Sr., deceased; File D–28–7941; E. T. sec. 8828.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by John D. Wilkens, Jr., as Executor, acting under the judicial supervision of the Probate Court, Dallas County, Texas;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

*National and last known address*

Kate Pfaffendorf, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Kate Pfaffendorf, in and to the Estate of John D. Wilkens, Sr., deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 8, 1944.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 44–2486; Filed, February 21, 1944; 11:24 a. m.]

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[Vesting Order 3100]

SOPHIA MARTHA BARTHELMESS

In re: Estate of Sophia Martha Barthelmess, deceased. File D–28–4350; E. T. sec. 7444.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Albert L. Coles, as Executor, acting under the judicial supervision of the Court of Probate, District of Bridgeport, State of Connecticut;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Sophia Schmelter, Germany.
Elizabeth Schmelter Meyer, Germany.
Louisa Schmelter, Germany.
Ella Schmelter, Germany.
Hedwig Schmelter, Germany.
Clara Schmelter, Germany.
Anna Schmelter, Germany.
Gertrude Schmelter, Germany.
Angelika Wagner, Germany.
Kate Wagner, Germany.
Ann Wagner Oder Ohra, Danzig.

And determining that—

(3) Anna Wagner Oder Ohra, a citizen or subject of a designated enemy country, Germany, and within an enemy-occupied area, Danzig, is a national of a designated enemy country, Germany;

(4) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Sophia Schmelter, Elizabeth Schmelter Meyer, Louisa Schmelter, Ella Schmelter, Hedwig Schmelter, Clara Schmelter, Anna Schmelter, Gertrude Schmelter, Angelika Wagner, Kate Wagner, Anna Wagner Oder Ohra, and each of them, in and to the Estate of Sophia Martha Barthelmess, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 9, 1944.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 44–2487; Filed, February 21, 1944; 11:24 a. m.]

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[Vesting Order 3101]

JOHANNA GOELTL

In re: Estate of Johanna Goeltl, deceased. File D–34–106; E. T. sec. 2806.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Omaha National Bank, 1620 Farnam Street, Omaha, Nebraska, Administrator *cum testamento annexo*, acting under the judicial supervision of the County Court of the State of Nebraska, in and for the County of Douglas;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of designated enemy countries, Germany and Hungary, namely,

*Nationals and Last Known Address*

Hans Schimeck, Germany (Austria).
Antal Weber, Hungary.
Susanna Chervnak, Hungary.
Ferenc Weber, Hungary.
Aranka Weber, Hungary.
Martin Goeltl, Hungary.
Carl Schimeck, Germany (Austria).

And determining that—

(3) If such nationals are persons not within designated enemy countries, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries, Germany and Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

(a) All right, title, interest and claim of any kind or character whatsoever of Hans Schimeck, Antal Weber, Susanna Chervnak, Ferenc Weber, Aranka Weber, Martin Goeltl and Carl Schimeck, and each of them, in and to the estate of Johanna Goeltl, deceased;

(b) An undivided two-thirds interest in and to the following described real estate:

An undivided three-fourths (¾) interest in and to the South Half (S½) of the Northwest Quarter (NW¼) of Section Seventeen (17), Township Nineteen (19), Range Fifty (50), Morrill County, Nebraska;

(c) An undivided one-fourth interest in and to the South Half (S½) of the Northwest Quarter (NW¼) of Section Seventeen (17), Township Nineteen (19), Range Fifty (50), Morrill County, Nebraska,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 9, 1944.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 44–2489; Filed, February 21, 1944; 11:24 a. m.]

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[Vesting Order 3102]

BARBARA KEHL

In re: Estate of Barbara Kehl, deceased; File D–28–7839; E. T. sec. 8447.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Phillip Glass, Executor, acting under the judicial supervision of the County Court of the State of Oregon for Benton County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

George Glass, Germany.
Fritz Glass, Germany.
Margaret Glass, Germany.
Marie Ottorback, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of George Glass, Fritz Glass, Margaret Glass and Marie Ottorback, and each of them, in and to the Estate of Barbara Kehl, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 9, 1944.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 44–2490; Filed, February 21, 1944; 11:24 a. m.]

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[Vesting Order 3103]

GEORGE KONNO

In re: Guardianship Estate of George Konno, Minor; File: D–66–1358; E. T. sec. 8587 (H–85).

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Takeo Uchimura, Guardian, acting under the judicial supervision of the Circuit Court of the Third Judicial Circuit, Territory of Hawaii;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely,

*National and Last Known Address*

George Konno, Japan.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of George Konno in and to the Guardianship Estate of George Konno, Minor, in the possession of Takeo Uchimura, Guardian,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 9, 1944.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 44–2491; Filed, February 21, 1944; 11:25 a. m.]

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[Vesting Order 3104]

ANTON H. MEYER

In re: Trust under the will of Anton H. Meyer, deceased; File D–28–2526; E. T. sec. 4437.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Empire Trust Company of New York, Trustee, acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

*National and Last Known Address*

Heinz Juergen Hagemeister, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Heinz Juergen Hagemeister, in and to the trust No. 3 created under the will of Anton H. Meyer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 9, 1944.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 44–2492; Filed, February 21, 1944; 11:25 a. m.]

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[Vesting Order 3105]

CHRISTINA SCHNEIDER

In re: Estate and Trust under the Will of Christina Schneider, deceased; File D–28–2488; E. T. sec. 3514.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Dallas National Bank, 1523 Main Street, Dallas, Texas, Independent Executor and Trustee, and which is in "partition, libel, condemnation or other similar proceedings,"

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Emma Bender, Germany.
Louise Berthold Mannheim, Germany.
Louise Mancar Mannheim, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires

that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Emma Bentler, Louise Berthold Mannheim and Louise Mansar Mannheim, and each of them, in and to the estate of Christina Schneider, deceased, and in and to the trust under the will of Christina Schneider, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof if and when it should be determined that such return should be made or such compensation should be paid.

Any person except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 9, 1944.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 44–2493; Filed, February 21, 1944; 11:25 a. m.]

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[Vesting Order 3106]

ROSIE SCHULT

In re: Estate of Rosie Schult, deceased; File D–28–2356; E. T. sec. 3532.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Herman Vogel, as executor, acting under the judicial supervision of the Surrogate's Court, Green County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Elfrieda Berger, Germany.
Paula Berger, Germany.
Carl Berger, Germany.
Clara Vogel, Germany.
Rosa Vogel, Germany.
Theodore Vogel, Germany.
Carl Vogel, Germany.
Otto Vogel, Germany.
Herman Schmollinger, Germany.
Emma Schmollinger, Germany.
Hedwig Schmollinger, Germany.
Wilhelm Schmollinger, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Elfrieda Berger, Paula Berger, Carl Berger, Clara Vogel, Rosa Vogel, Theodore Vogel, Carl Vogel, Otto Vogel, Herman Schmollinger, Emma Schmollinger, Hedwig Schmollinger and Wilhelm Schmollinger, and each of them, in and to the Estate of Rosie Schult, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 9, 1944.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 44–2494; Filed, February 21; 1944; 11:25 a. m.]

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[Vesting Order 3107]

WILLIAM SEIDEL

In re: Trust under the will of William Seidel, deceased; File D–28–2443; E. T. sec. 3457.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Peter A. Schwabe, Executor, acting under the judicial supervision of the Circuit Court of the State of Oregon, in and for the County of Clackamas;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

*National and Last Known Address*

Willie Seidel, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Willie Seidel in and to the trust estate created under the will of William Seidel, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 9, 1944.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 44–2495; Filed, February 21, 1944; 11:25 a. m.]

[Vesting Order 3108]

ADOLPH WERNER

In re: Estate of Adolph Werner, deceased; File D–28–4284; E. T. sec. 7339.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Peoples National Bank of Washington, Administrator, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of Grays Harbor;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

*National and Last Known Address*

Helen Pape, Berlin, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Helen Pape, in and to the Estate of Adolph Werner, deceased;

to be held, used, administered; liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 9, 1944.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 44–2488; Filed, February 21, 1944; 11:22 a. m.]

## OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev. 171]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN MISSOURI

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended,[1] a copy of which plan is attached hereto as Appendix 2,[2] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to it by the Supplementary Order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 26, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 22d day of February 1944.

JOSEPH B. EASTMAN,
*Director,*
*Office of Defense Transportation.*

APPENDIX 1

1. Gordon Niedergerke, doing business as Niedergerke Truck Line, Fulton, Mo.
2. Gill Bruce Lewton, doing business as Lewton Delivery Service, 3120 Cass Ave., St. Louis, Mo.
3. Teodebusch Transfer, Inc., 926 Cass Ave., St. Louis, Mo.
4. Orscheln Bros. Truck Lines, Inc., 339 North William St., Moberly, Mo.
5. Rice & Co., Inc., 2023 West Hubbard, Chicago, Ill.
6. Perry A. Brooks, doing business as Brooks Truck Co., 112 North Salt Pond, Marshall, Mo.
7. E. A. Burggrabe, doing business as E. A. Burggrabe Drayage Service, Warrenton, Mo.

[F. R. Doc. 44–2554; Filed, February 22, 1944; 11:24 a. m.]

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[Supp. Order ODT 3, Rev. 174]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN MISSOURI AND KANSAS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as

[1] 7 F.R. 5445, 6089, 7094; 8 F.R. 4000, 14582; 9 F.R. 947.

[2] Filed as part of the original document.

amended,[1] a copy of which plan is attached hereto as Appendix 2,[2] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling; or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to it by the Supplementary Order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 26, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 22d day of February 1944.

JOSEPH B. EASTMAN,
*Director,*
*Office of Defense Transportation.*

APPENDIX 1

1. Campbell 66 Express, Inc., Phelps and Grant, Springfield, Missouri.
2. Allen B. Canfield, doing business as Canfield Truck Line, Butler, Missouri.
3. Frisco Transportation Company, Frisco Building, Springfield, Missouri.
4. Powell Bros. Truck Lines, Inc., Bolivar Road and High Street, Springfield, Missouri.
5. Tri-State Motor Transport, Inc., 4th and Maiden Lane, Joplin, Missouri.

[F. R. Doc. 44-2555; Filed, February 22, 1944; 11:24 a. m.]

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[Supp. Order ODT 3, Rev. 175]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN DUNCAN, OKLA., AND FORT WORTH, TEX.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended,[1] a copy of which is plan is attached hereto as Appendix 2,[2] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office

[1] 7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947.

[2] Filed as part of the original document.

of Defense Transportation, Washington, D. C.

This order shall become effective February 26, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 22d day of February 1944.

JOSEPH B. EASTMAN,
*Director,*
*Office of Defense Transportation.*

APPENDIX 1

1. Wm. H. Perkins and Curtis Jones, doing business as M & D Motor Freight Lines, Duncan, Okla.
2. Yellow Transit Co., 311 South Western Ave., Oklahoma City, Okla.

[F. R. Doc. 44-2556; Filed, February 22, 1944; 11:24 a. m.]

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[Supp. Order ODT 3, Rev. 176]

COMMON CARRIERS

REGISTRATION OFFICE AT CHARLESTON, W. VA., FOR HOUSEHOLD GOODS MOTOR CARRIERS

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of household goods, filed with the Office of Defense Transportation by the motor carriers named in Appendix 1 hereof, as governed by § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947), and good cause appearing therefor, *It is hereby ordered,* That:

1. The carriers and each of them, named in Appendix 1 hereof (hereinafter collectively called "carriers"), respectively, in the transportation of shipments of household goods as common carriers by motor vehicle, shall establish an office (hereinafter referred to as "registration office") at Charleston, West Virginia, to facilitate the movement of such shipments, in the following manner:

(a) Each carrier shall register with the registration office shipments which the carrier may be unable to transport by reason of the restrictions contained in General Order ODT 3, Revised, as amended;

(b) Each carrier shall register with the registration office all empty or partially loaded equipment for which the carrier has no shipments available;

(c) The manager or employees of the registration office shall advise the carriers as to shipments registered and empty equipment or the unloaded space therein which is available: *Provided,* That nothing herein contained shall be construed to authorize the manager or any employee of the registration office to dispatch equipment, direct traffic, or exercise any supervision or control over the movement of any shipment, or part thereof, in any manner whatsoever;

(d) The manager of the registration office, and each carrier, shall prepare and maintain such records, and make such reports, as the Office of Defense Transportation may prescribe, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. Such records shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation; and

(e) The cost of maintaining the registration office shall be apportioned among the carriers as they shall agree on, or in the event the carriers are unable to agree thereon, shall be apportioned as the Office of Defense Transportation shall determine and direct.

2. Shipments exchanged pursuant to this order shall be exchanged in accordance with the following conditions:

(a) All shipments shall be transported to point of destination on the bill of lading of the carrier with whom the shipper entered into the contract of carriage;

(b) Except as may be otherwise provided by agreement between the interested carriers or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenue derived from transportation of a shipment exchanged, and from storage in transit, packing and unpacking, and other accessorial services pertaining thereto, shall be as determined and directed by the Office of Defense Transportation;

(c) The rates and charges applicable to the transportation, storage in transit, packing and unpacking, and other accessorial services performed in respect of any shipment shall be the lawfully applicable rates and charges of the carrier with whom the shipper entered into the contract of carriage;

(d) The duties and obligations of the originating carrier to the shipper shall not be altered by an exchange made pursuant hereto; and

(e) The carriers shall not exchange shipments with each other except as provided herein.

3. Any common carrier by motor vehicle, duly authorized or permitted to engage in the transportation of household goods, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., for authorization to participate in the functioning of the registration office established pursuant hereto. A copy of every such application shall be served upon the manager of the registration office. Upon receiving such authorization, such carrier shall become subject to this order and shall thereupon be entitled and required to participate in the functioning of the registration office in accordance with all the provisions and conditions of this order, in the same manner and degree as the carriers named in Appendix 1 hereof.

4. Nothing contained in this order shall be so construed or applied as to relieve any carrier subject hereto from registering with joint information offices and obtaining clearance certificates as provided in General Order ODT 13, as amended (7 F.R. 5066, 5678), or required by any other general order, or as to relieve any carrier from any other requirements of the Office of Defense Transportation, or from any other regulatory or legal requirement, or as to require or permit any carrier to perform any transportation service not authorized or sanctioned by law, or to render any service beyond its transportation capacity, or to alter its legal liability to any shipper or other carrier.

5. Each carrier subject to this order engaged in interstate transportation shall file a copy of this order with the Interstate Commerce Commission, and, if engaged in intrastate commerce, shall file a copy hereof with each appropriate State regulatory body having jurisdiction over any operations affected hereby.

6. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-176," and unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This supplementary order shall become effective on February 26, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 22d day of February 1944.

JOSEPH B. EASTMAN,
*Director,*
*Office of Defense Transportation.*

APPENDIX 1

1. Nelson Transfer & Storage Co. (a corporation), Charleston, W. Va.
2. Mathews Storage & Transfer Co. (a corporation), 1315 Hansford St., Charleston, W. Va.
3. Big 4 Storage and Transfer Co. (a corporation), 615 Virginia St. W., Charleston, W. Va.
4. Birch Transfer & Storage (a corporation), 103 Wyoming St., Charleston, W. Va.
5. H. M Necely (an individual), doing business as Economy Movers & Storage, 1011 Washington St. W., Charleston, W. Va.
6. Dana Lovejoy (an individual), doing business as Lovejoy's Transfer, Chelyan, W. Va.

[F. R. Doc 44-2557; Filed, February 22, 1944; 11:24 a. m.]

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## OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Amdt. 12 to Order A-2]

PRODUCERS OF NARROW MOUTH GLASS CONTAINERS

MODIFICATION OF ADJUSTMENT PROVISIONS

Amendment No. 12 to Order No. A-2 Under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Modification of adjustment provisions under Maximum Price Regulation No. 188.

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) (12) is added to read as follows:

(12) *Narrow mouth glass containers.* This subparagraph permits the granting of relief to producers of certain narrow mouth glass containers who are unable to maintain their production under their existing maximum prices. The extent of relief to be granted under this subparagraph is set forth herein.

(i) *Scope of this subparagraph.* The provisions of this subparagraph shall apply only to producers of private mould narrow mouth containers and under the following conditions:

(*a*) The container has been affirmatively excluded from War Production Board Limitation Order No. L–103, and its continued production expressly authorized.

(*b*) The product packaged in the container has been declared essential by the appropriate government agency.

(*c*) The increase in cost to the first purchaser of the container will not be passed on to purchasers in the first sale of any commodity as packaged in the container nor made the basis of an application to the Office of Price Administration by the seller of such packaged commodity to increase his selling price. The applicant shall submit a statement from the buyer certifying to those facts.

(*d*) The producer's cost to manufacture and sell the container exceeds his established maximum price for such container.

(ii) *Extent of relief to be granted.* If the conditions set forth in this subparagraph have been met, the producer may apply for permission to increase his maximum price in an amount sufficient to cover his cost to manufacture and sell the container.

In determining the amount of adjustment which may be granted, consideration will be given to such factors as:

(*a*) Revenue from sales of the commodity which is the subject of the application and from all other sources; and

(*b*) Cost of production and general, administrative, and selling expenses for total company operations and as allocated to the commodity which is the subject of the application.

The "cost to manufacture and sell," for the purpose of this subparagraph, shall include the costs of batch materials, fuel, power, direct and indirect labor, cartons, royalties, depreciation charges, maintenance and repair expense, taxes (not including Federal and state income taxes), other manufacturing expenses, freight from plant to purchaser's destination, and reasonable general, administrative and selling expenses allocated to the cost of the container. Expenses not related to the conduct of manufacturing and selling operations connected with the particular commodity will be excluded.

(iii) Before filing an application for adjustment under the provisions of this subparagraph, it is suggested that the applicant obtain from the Office of Price Administration, Washington, D. C., a statement of the specific information that will be necessary in order that his application may receive attention.

This Amendment No. 12 shall become effective February 22, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of February 1944.

CHESTER BOWLES,
*Administrator.*

[F. R. Doc. 44–2535; Filed, February 21, 1944; 5:13 p. m.]

## Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on February 19, 1944.

REGION I

Providence Order No. 5, Amendment No. 7, filed 2:30 p. m.

REGION II

Buffalo Order No. P–1, Amendment No. 1, filed 2:44 p. m.
Buffalo Order No. P–2, filed 2:44 p. m.
Camden Order No. P–1, filed 2:30 p. m.
Scranton Order No. P–1, filed 2:42 p. m.

REGION III

Louisville Order No. 1–F, Amendment No. 17, filed 2:14 p. m.
Louisville Order No. 2–F, Amendment No. 11, filed 2:14 p. m.
Louisville Sec. Rev. Order, No. 3, Amendment No. 4, filed 2:32 p. m.
Louisville Order No. 3–F, Amendment No. 4, filed 2:15 p. m.
Saginaw Order No. 2–F, Amendment No. 4, filed 2:14 p. m.

REGION IV

Birmingham Order No. 1–F, Amendment No. 3, filed 2:46 p. m.
Charlotte Order No. 12, filed 2:31 p. m.
Jackson Order No. 1–F, Amendment No. 23, filed 2:30 p. m.
Montgomery Order No. 5–F, filed 2:46 p. m.
Montgomery Order No. 6–F, filed 2:46 p. m.
Montgomery Order No. 7–F, filed 2:48 p. m.

REGION V

Dallas Order No. 3–F, Amendment No. 3, filed 2:13 p. m.
Fort Worth Order No. 2–F, Amendment No. 1, filed 2:30 p. m.

REGION VI

Chicago Order No. 2–F, Amendment No. 1, filed 2:44 p. m.
Omaha Order No. 1–F, Amendment No. 4, filed 2:29 p. m.
Omaha Order No. 2–F, Amendment No. 2, filed 2:29 p. m.
Milwaukee Order No. 2–F, Amendment No. 1, filed 2:14 p. m.
Sioux City Order No. 2–F, Amendment No. 1, filed 2:28 p. m.

REGION VII

New Mexico Order No. 6, Amendment No. 5, filed 2:37 p. m.
New Mexico Order No. 8, Amendment No. 3, filed 2:37 p. m.
New Mexico Order No. 9, Amendment No. 2, filed 2:37 p. m.
New Mexico Order No. 10, Amendment No. 2, filed 2:39 p. m.
New Mexico Order No. 11, Amendment No. 2, filed 2:41 p. m.
New Mexico Order No. 12, Amendment No. 2, filed 2:39 p. m.
New Mexico Order No. 14, Amendment No. 2, filed 2:39 p. m.
New Mexico Order No. 15, Amendment No. 1, filed 2:41 p. m.
New Mexico Order No. 16, Amendment No. 2, filed 2:42 p. m.
New Mexico Order No. 17, Amendment No. 2, filed 2:42 p. m.

REGION VIII

Fresno Order No. 1–F, Amendment No. 4, filed 2:28 p. m.
Los Angeles Los Angeles–5, Amendment No. 10, filed 2:28 p. m.
Los Angeles Los Angeles–6, Amendment No. 10, filed 2:17 p. m.
Los Angeles Los Angeles–7, Amendment No. 10, filed 2:17 p. m.
Los Angeles Los Angeles–8, Amendment No. 10, filed 2:28 p. m.
San Francisco Order No. 1–F, Amendment No. 1, filed 2:13 p. m.
Seattle Order No. 1–F, Amendment No. 3, filed 2:15 p. m.
Seattle Order No. 2–F, Amendment No. 2, filed 2:15 p. m.
Seattle Order No. 3–F, Amendment No. 3, filed 2:15 p. m.
Seattle Order No. 4–F, Amendment No. 3, filed 2:15 p. m.
Seattle Order No. 5–F, Amendment No. 3, filed 2:17 p. m.
Seattle Order No. 20, Amendment No. 3, filed 2:17 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
*Secretary.*

[F. R. Doc. 44–2534; Filed, February 21, 1944; 5:13 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 31–481; 31–467; 31–165; 31–484; 31–483; 31–473; 31–167; 31–162; 31–164; and 31–525]

KOPPERS UNITED CO., ET AL.

NOTICE OF FILING AND ORDER RECONVENING HEARING AND DIRECTING CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pa., on the 19th day of February 1944.

In the matter of Koppers United Company, (File No. 31–481); The Brooklyn Union Gas Company, (File No. 31–467); Koppers Company, (File No. 31–165); Eastern Gas and Fuel Associates, (File No. 31–484); Koppers United Company, Fuel Investment Associates and Eastern Gas and Fuel Associates, (File No. 31–483); Brockton Gas Light Company, (File No. 31–473); Koppers United Company, (File No. 31–167); Fuel Investment Associates, (File No. 31–162); Eastern Gas and Fuel Associates, (File No. 31–164); and Koppers Company, (File No. 31–525).

Applications and amendments thereto having been filed under section 2 (a) (7) of the Public Utility Holding Company Act of 1935 by Koppers Company for an order declaring it not to be a holding company and under section 2 (a) (8) of the Act by Koppers United Company ("Koppers United"), The Brooklyn Union Gas Company ("Brooklyn Union"), East-

ern Gas and Fuel Associates ("Eastern Gas"), Fuel Investment Associates ("Fuel Investment") and Brockton Gas Light Company ("Brockton") for an order declaring that (a) Brooklyn Union is not a subsidiary of Koppers United or Koppers Company, (b) Eastern Gas is not a subsidiary of Koppers Company, and (c) Brockton is not a subsidiary of Koppers United, Fuel Investment or Eastern Gas; and

Applications and amendments thereto having also been filed under sections 3 (a) (1) and (3) (a) (3) (A) of the act by Koppers United, under section 3 (a) (3) (A) by Koppers Company and under sections 3 (a) (1), 3 (a) (3) (A) and 3 (a) (3) (B) by Fuel Investment and Eastern Gas for an order exempting each of such applicants and every subsidiary company thereof as such, from all of the provisions of the act, and Koppers Company having subsequently withdrawn its application under section 3 of the act; and

The Commission having on May 10, 1940 issued its notice of filing and order for hearing and its order for consolidation of hearings with respect to said applications; and

The Commission having, by order dated June 13, 1940, denied motions of said applicants to revoke or amend said order for consolidation of hearings, but having modified such order so as to provide that all applications filed pursuant to section 2 of the act be determined prior to the presentation of evidence relating exclusively to the applications filed pursuant to section 3 of the act and that the evidence adduced in the proceedings on the applications filed pursuant to section 2 would, so far as relevant, constitute part of the record in the proceedings on the applications filed pursuant to section 3; and

Public hearings having been duly held in the consolidated proceedings on the issues arising pursuant to section 2 of the act and the Commission having on September 28, 1942, issued its findings, opinion and order denying said applications pursuant to section 2 of the act; and

An application and amendments thereto having been filed pursuant to section 3 (a) (3) (A) of the act by Koppers Company renewing its request for an order exempting it and every subsidiary company thereof as such from all of the provisions of the act; and

The order of the Commission dated September 28, 1942, denying said applications filed pursuant to section 2 of the act having been affirmed on review by decision of The United States Court of Appeals for the District of Columbia dated October 11, 1943; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the application filed by Koppers Company pursuant to section 3 of the act, that the hearing be reconvened with respect to the applications of Koppers United, Fuel Investment and Eastern Gas under said section 3, and that none of said applications shall be granted except pursuant to further order of the Commission; and

It further appearing to the Commission that the issues presented by the application filed pursuant to section 3 of the act by Koppers Company and by the applications with respect to which hearings were directed to be consolidated by order of the Commission dated May 10, 1940 are substantially interrelated and involve common questions of law and fact, that the parties to the respective proceedings on the various applications are the same or are otherwise united in interest, and that a substantial saving in time, effort and expense will result and unnecessary cost or delay will be avoided if the reconvened hearings on all the said applications filed pursuant to section 3 of the act are consolidated and if the evidence heretofore adduced in the consolidated proceedings is permitted to stand as evidence in the pending proceedings under section 3, in so far as the same may be relevant.

*It is ordered,* That the proceedings on the application filed by Koppers Company (File No. 31-525) pursuant to section 3 of the act be, and they hereby are, consolidated with the said consolidated proceedings pursuant to sections 2 and 3 of the act, and that a consolidated hearing under the applicable provisions of said act and rules of the Commission thereunder be held on March 21, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as the hearing room clerk in Room 318 will at that time advise. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by its rules of practice, Rule XVII, on or before March 11, 1944.

*It is further ordered,* That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

*It is further ordered,* That without limiting the scope of the issues presented by said applications otherwise to be considered in this consolidated proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the Commission should find with respect to Koppers United, Fuel Investment or Eastern Gas that such applicant and every subsidiary company thereof which is a public-utility company from which any such applicant derives, directly or indirectly, any material part of its income, are predominantly intrastate in character and carry on their business substantially in a single State in which such applicant and every such subsidiary company thereof are organized;

2. Whether the Commission should find with respect to Koppers United, Koppers Company, Fuel Investment or Eastern Gas that such applicant is only incidentally a holding company, being primarily engaged or interested in one or more businesses other than the business of a public-utility company and not deriving, directly or indirectly, any material part of its income from any one or more subsidiary companies, the principal business of which is that of a public-utility company;

3. Whether the Commission should find that Fuel Investment or Eastern Gas is only incidentally a holding company, being primarily engaged or interested in one or more businesses other than the business of a public-utility company and owning, directly or indirectly, substantially all the outstanding securities of all public utility subsidiaries from which a material part of income is derived;

4. Whether, if otherwise consistent with the applicable exemption requirements of section 3 (a) of the act, the exemption of Koppers United, Koppers Company, Fuel Investment or Eastern Gas, and every subsidiary thereof as such, from any provision or provisions of the act will be detrimental to the public interest or the interest of investors or consumers;

5. Whether, in the event an exemption or partial exemption should be granted any of the applicants, it is necessary or appropriate to impose terms or conditions in the public interest or in the interest of investors or consumers and if so, what those terms and conditions should be;

*It is further ordered,* That notice of this hearing be given to the applicants and to all other persons; said notice to be given to the applicants by registered mail, and to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the act and by publication in the FEDERAL REGISTER;

*It is further ordered,* That jurisdiction be and is hereby reserved to separate, whether for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters hereinbefore set forth or which may arise in these consolidated proceedings or to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-2551; Filed, February 22, 1944; 11:11 a. m.]

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[File No. 59-32]

ASSOCIATED GAS AND ELECTRIC CORP.

NOTICE OF PETITION FOR LEAVE TO FILE AN AMENDED SUPPLEMENTAL ANSWER AND TO ADDUCE ADDITIONAL EVIDENCE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 17th day of February 1944.

In the matter of Denis J. Driscoll and Willard L. Thorp, as trustees of Associated Gas and Electric Corporation, Respondents.

The Commission having, on September 4, 1941, instituted proceedings against Denis J. Driscoll and Willard L. Thorp, as trustees of Associated Gas and Electric Corporation, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, and said respondents having duly filed their answer on November 17, 1941, setting forth, among other things, that the properties of the operating public utility subsidiaries of respondents included in each of the following four groups constitute in the case of each group a "single integrated public utility system" within the meaning of that term as used in the Act:

(1) *New York-Northern Pennsylvania Group.*

New York State Electric & Gas Corporation.
Keuka Lake Power Corporation.
Bradford Electric Company.
Northern Pennsylvania Power Company.
The Waverly Electric Light and Power Company.

(2) *Eastern Pennsylvania-New Jersey Group.*

Metropolitan Edison Company.
Edison Light and Power Company.
Glen Rock Electric Light and Power Company.
New Jersey Power & Light Company.

(3) *Western Pennsylvania Group.*

Pennsylvania Electric Company.
Erie Lighting Company.
Keystone Public Service Company.
The Clarion River Power Company.
Youghiogheny Hydro-Electric Corporation.
Solar Electric Company.
Logan Light, Heat & Power Company.
Pennsylvania Edison Company.

(4) *Florida-Georgia Group.*

Florida Power Corporation.
Florida Public Service Company.
Georgia Power and Light Company;

on August 13, 1942, the Commission having issued its findings and opinion and order in which it directed respondents to dispose of their interest in certain named companies, other than the companies set forth above, and ordered that jurisdiction be reserved with respect to all issues not disposed of in said order; and the Commission having on July 9, 1943, granted respondents leave to file a supplemental answer and ordered further hearings in this proceeding; and the Commission further having on January 10, 1944, issued its findings and opinion and order granting respondents' application for an extension of time for compliance with the order dated August 13, 1942, until August 13, 1944, and the hearings ordered to be held by the Commission's order of July 9, 1943 having been held from time to time and presently being in recess and scheduled for resumption on February 24, 1944; and

Respondents at this time having filed a petition for leave to file an amended supplemental answer and to adduce additional evidence in the following regard:

Respondents now allege that the properties of their subsidiaries included in each of the following four groups constitute in the case of each group a "single integrated public utility system" and retainable additional systems and retainable incidental businesses under the provisions of the act:

(1) *New York-Northern Pennsylvania Group.*

New York State Electric & Gas Corporation.
Keuka Lake Power Corporation.
Northern Pennsylvania Power Company.
The Waverly Electric Light and Power Company.
Rochester Gas and Electric Corporation.
Canadea Power Corporation.

(2) *Eastern Pennsylvania-New Jersey Group.*

Metropolitan Edison Company.
Edison Light and Power Company.
Glen Rock Electric Light and Power Company.
New Jersey Power & Light Company.
Jersey Central Power & Light Company.
Agincourt Land Corporation.
York Steam Heating Company.

(3) *Western Pennsylvania Group.*

Pennsylvania Electric Company.
Pennsylvania Edison Company.
Johnstown Fuel Supply Company.
Blair Engineering and Supply Company.
Penelec Water Company.
Citizens Transit Company.

(4) *Florida-Georgia Group.*

Florida Power Corporation.
Florida Public Service Company (electric properties and properties pertaining to the Orlando ice and Winter Garden water businesses).
Georgia Power and Light Company (electric properties).

Respondents request that the Commission grant leave to them to file an amended supplemental answer superseding the supplemental answer heretofore filed and to adduce evidence in support thereof, and, further, that the Commission direct that at the ensuing hearings in this proceeding additional evidence may be adduced on the retainability under section 11 (b) (1) of the act of any or all electric or gas properties, among the companies listed in the amended supplemental answer, contended during the proceedings to be additional systems, and on the retainability of the non-utility properties among the companies listed above;

Respondents further request that in connection with any order entered in this proceeding the Commission make its findings, after hearing, in accordance with the allegations contained in respondents' original answer as amended and supplemented by this amended supplemental answer, and that pending the making of such findings the Commission defer the making of any determinations with reference to (a) the number of integrated public utility systems, if any, under the control of respondents, and (b) which of such integrated public utility systems, if any, is to be considered as the "single integrated public utility system" retainable by respondents or by any successor thereto.

It appearing to the Commission that it is appropriate at this time and in the public interest that permission to file the respondents' amended supplemental answer be granted and that at the hearings presently scheduled or as hereafter continued, opportunity be afforded respondents or any other interested person to adduce evidence in regard to any issues raised by the petition and the amended supplemental answer;

*It is ordered,* That permission to file respondents' amended supplemental answer and petition be, and hereby is, granted;

*It is further ordered,* That at the hearing heretofore continued to February 24, 1944, at 10 o'clock a. m., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on said day by the hearing room clerk in room 318, opportunity be given respondents and any other interested person to be heard with respect to matters raised by the amended supplemental answer and the petition to adduce additional evidence.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 44-2552; Filed, February 22, 1944; 11:11 a. m.]

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## WAR PRODUCTION BOARD.

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING SPECIAL DIRECTIONS DATED DECEMBER 8, 1942

The War Production Board has issued certain revocation orders revoking special directions dated December 8, 1942, issued in connection with synthetic rubber facilities construction projects to which Urgency Numbers listed below were assigned. For the effect of such revocation order the builder and suppliers affected shall refer to the specific order issued to the builder:

Urgency rating number, 53b; builder's serial number, 6884; company, Humble Oil & Refg. Co.; address, Humble Bldg., Houston, Tex.; location of project, Baytown, Tex.

Issued this 22d day of February, 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
*Recording Secretary.*

[F. R. Doc. 44-2558; Filed, February 22, 1944; 11:30 a. m.]